

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3070 OF 2016

Shriniwas Gajanan Marathe

.. Petitioner

Versus

The Tahsildar, Vengurla,

Taluka Vengurla, Dist. Sindhudurg and others

.. Respondents

Mr. Amogh Karandikar i/by Khandeparkar & Associates, for the
Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 7th APRIL 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 11.02.2016 passed by the Additional Collector, Sindhudurg, by which order, the Dispute Application being No.9 of 2015 filed by the Petitioner came to be dismissed and resultantly, the passing of the “No Confidence Motion” against the Petitioner came to be confirmed.

2. The requisition for a meeting to pass a “No Confidence Motion” against the Petitioner came to be moved by 7 members of the Gram Panchayat Tulas, Taluka Vengurla, District Sindhudurg on 28.10.2015. In terms of the statutory requirement since the meeting is to be held 7 days thereafter the meeting was fixed on 03.11.2015. In the said

meeting, the requisition as received by the Tahsildar was read out. The members of the Gram Panchayat who were present were requested to address the meeting if they had anything to say in respect of the proposed “No Confidence Motion”. The members accordingly addressed the meeting. Thereafter motion was proposed and seconded and thereafter put to vote. The motion was passed by majority of 7 in favour of the motion and 3 against the motion. The names of the 7 persons who supported the motion have been mentioned in the order passed by the Collector as also names of 3 persons who voted against the motion. After the voting, the members were also asked as whether any member has any complaint against the procedure that was followed and it was informed that nobody has any complaint in respect of the procedure. Having regard to the aforesaid facts, the Collector by the impugned order has dismissed the dispute application filed by the Petitioner questioning the passing of the said “No Confidence Motion”. In my view, having regard to the fact that the motion has been passed by a majority of 7:3 the Petitioner has obviously lost the confidence of the House. There is also no dispute as regards the manner in which the meeting was conducted. Hence, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]