

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11628 OF 2016

Dilip Shamrao Singe : Petitioner.
versus
District Collector, Kolhapur & ors. : Respondents.

Mr. S R Ganbavale for the Petitioner.
Mr. S H Kankal, AGP, for the Respondent Nos.1 and 2.
Mr. A S Patil for the Respondent Nos.4 to 14

CORAM : R. M. SAVANT, J.
DATE : 16th November 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 21/09/2016 passed by the Additional Collector, Kolhapur by which order the Dispute Application being No.60/2016 filed by the Petitioner came to be rejected.

2 The Petitioner was elected as a Sarpanch of Grampanchayat Shiradwad, Tal. Shirol, Dist. Kolhapur in the year 2014-2015. A requisition was moved by 11 members of the said Grampanchayat Shiradwad for convening a meeting to pass a No Confidence Motion against the Petitioner. The Tehsildar on receipt of the said requisition convened a meeting of the Grampanchayat on 25/07/2016. In the said meeting a resolution of No Confidence came to be passed by a majority of 11:4 against the Petitioner. On

the resolution being passed, the Petitioner in terms of the machinery available under the Maharashtra Village Panchayat Act, 1958 filed Dispute Application No.60/2016 questioning the said No Confidence Motion inter-alia on the grounds mentioned in the said Dispute Application which grounds were revolving around the fact that there was no justification for passing the No Confidence Motion against the Petitioner as the signatories to the requisition had participated in the various meetings which were held at the Grampanchayat and had signed in acknowledgement and therefore it could not be said that the Petitioner was conducting the affairs of the Grampanchayat in an arbitrary manner. The 2nd ground was that the Petitioner was not allowed to address the requisitioned meeting as is required in terms of the said Act. The Authority i.e. the Additional Collector, Kolhapur has rejected both the said grounds. In so far as the 1st ground is concerned, the Additional Collector held that it is not for him to go into the reasons mentioned by the requisitionists for convening the meeting, and in so far as the 2nd ground is concerned, the Additional Collector held that the record inter-alia discloses that the Petitioner was granted an opportunity to address the meeting. The Additional Collector also adverted to the fact that the No Confidence Motion was passed against the Petitioner by the majority of 11:4 meaning thereby that the Petitioner had lost the confidence of house.

3 At the hearing of the above Writ Petition, the learned counsel

appearing on behalf of the Respondent Nos.4 to 14 pointed out that the meeting to elect the new Sarpanch was held yesterday i.e. on 15/11/2016 and that the election took place in the said meeting and one Dhanashree Sachin Kamble, who is a member of the said Grampanchayat, has been elected as a Sarpanch.

4 Hence on both the grounds i.e. on merits as also on the ground of the supervening event of the election to the post of Sarpanch being held, no interference in the writ jurisdiction of this Court is warranted. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]