

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO. 30289 OF 2016**

Smita Uttam Ambawade

..Petitioner

Vs.

Additional Collector & Ors.

..Respondents

Mr. C. G. Patil for the Petitioner

Mr. N. S. Patil for the Respondent Nos.3, 4 and 6

Mr. S. H. Kankal AGP for the Respondent Nos.1 and 2

CORAM : R. M. SAVANT, J.

DATE : 29th NOVEMBER, 2016

P.C.

1 The order dated 10-10-2016 passed by the Additional Collector Kolhapur rejecting the Dispute Application filed by the Petitioner is taken exception to by way of the above Petition.

2 The Petitioner was elected as Sarpanch of the Grampanchayat Ujalaiwadi Taluka – Karveer, District – Kolhapur. The Grampanchayat consisted of 13 members. A requisition was made by 10 members of the said Grampanchayat to the Tahsildar requesting him to requisition a meeting for passing of a motion of no confidence against the Petitioner inter alia on the grounds mentioned in the said notice. The Tahsildar after a receipt of the said notice convened the meeting on 12-8-2016. In the said meeting, the Petitioner

did not remain present. The motion of no confidence was passed by a majority of 10:0, the consequence was that the Petitioner stood removed as Sarpanch of the Grampanchayat.

3 The Petitioner aggrieved by the said no confidence motion passed against her in the meeting dated 12-8-2016 filed the Dispute Application which is a remedy provided under the Maharashtra Village Panchayats Act. The Petitioner challenged the passing of the said motion inter alia on the grounds mentioned in the said Dispute Application. The grounds were inter alia to the effect that the meeting held was not in conformity with the Rules governing the same, that the notice was not issued in the prescribed form. The said grounds were not countenanced by the Additional Collector, Kolhapur in view of the Full Bench Judgment of this Court in **LPA No.312 of 2013 in Writ Petition No.6967 of 2012** in the matter of **Tatyasaheb Ramchandra Kale Vs. Navnath Tukaram Kakde & Ors.** The Additional Collector adverted to the fact that the motion of no confidence was passed unanimously by 10 members of the Grampanchayat. The requirement of the motion being passed by 2/3rd of the members was therefore satisfied. The Dispute Application as indicated above accordingly came to be rejected by the impugned order dated 10-10-2016.

4 The Learned Counsel appearing for the Petitioner would seek to

reiterate the case of the Petitioner as sought to be raised in the Dispute Application. It was his contention that there was no consideration of the motion of no confidence as also three clear days notice was not given to the Petitioner.

5 In my view, it is not possible to accept the said contentions in the light of the findings recorded by the authority below and on the application of the Full Bench Judgment of this Court in Tatyasaheb Kale's case (Supra). It would have to be borne in mind that the Petitioner has lost the confidence of the house in as much as of the 10 members who are present in the meeting held on 12-8-2016 have voted in favour of motion of no confidence. It is expected of the Petitioner that she accepts the verdict of the house. 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]