

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

WRIT PETITION NO.13325 OF 2016

Sou. Ujwala Jalindar Kumbhar : Petitioner.
versus
Gramsevak,
Grampanchayat Kurli
Tal. Khanapur, District Sangli and ors. : Respondents.

Mr. Umesh Mankapure for the Petitioner.
Mr. S H Kankal AGP for the Respondent Nos.2 and 11.

CORAM : R. M. SAVANT, J.
DATE : 01st December 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 21/09/2016 passed by the Additional Collector, Sangli by which order the Dispute Application filed by the Petitioner came to be dismissed and resultantly, the motion of no confidence passed against the Petitioner came to be confirmed.

2 The Petitioner was elected as a member of Grampanchayat, Kurli, Tal. Khanapur, Dist. Sangli. The Petitioner was thereafter elected as a Sarpanch as the post of Sarpanch was reserved for a woman candidate. A requisition was moved by 7 members of the Grampanchayat requesting the Tahsildar, Khanapur to convene a meeting for considering passing of a motion of no confidence against the Petitioner. The said meeting was requisitioned by

the Tahsildar by notice dated 26/07/2016 addressed to the members of the Grampanchayat stating therein that a meeting would be held on 01/08/2016. In terms of the said notice, a meeting was accordingly held on 01/08/2016 and the motion of no confidence came to be passed against the Petitioner unanimously by the 7 members out of the 9 members who were present as the remaining two did not vote.

3 Aggrieved by the passing of the said motion of no confidence, the Petitioner adopted the remedy that is provided under the Maharashtra Village Panchayats Act, 1958 by filing a Dispute Application under Section 35 of the said Act.

4 Having regard to the resolution passed on 01/08/2016 which was produced before the concerned authority i.e. the Additional Collector, Sangli as also having regard to the fact that the motion of no confidence was passed virtually unanimously by the 7 members who have voted, the Additional Collector, Sangli did not deem it appropriate to interfere with the said motion of no confidence and accordingly dismissed the Dispute Application by the impugned order dated 21/09/2016.

5 The learned counsel appearing on behalf of the Petitioner Shri Mankapure would reiterate the case as urged on behalf of the Petitioner before

the Additional Collector, Sangli and would contend that a change in the name of one of the members was effected in the notice in question, that the 4 members who stand disqualified on account of the fact that they have not attended more than 4 consecutive meetings are amongst the 7 members who have voted in favour of the said resolution.

6 In my view, it is not possible to accept the contentions of the learned counsel for the Petitioner. In so far as the first contention is concerned, it is not the case of the Petitioner that the person whose name has been corrected has not voted. In so far as the 2nd contention is concerned, admittedly, the said 4 members did not stand disqualified on the date when the resolution came up for consideration i.e. on 01/08/2016 and were therefore entitled to vote. Since the resolution was passed by 7 members, the requirement of the Act was satisfied. In my view, therefore, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]