

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1867 of 2016

(Sau. Jayabai w/o Pramodrao Dhage
vs.

State of Maharashtra, through its Secretary, Rural Development Department, Mantralaya, Mumbai
and others)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

CORAM : Z.A. HAQ, J.

DATE : 28th JUNE, 2016.

Heard Shri D.S. Lambat, learned Advocate for the petitioner, Shri R.D. Murkute, learned Advocate for respondent Nos.4 to 11, Shri P.D. Sharma, learned Advocate for respondent No.12 and Shri A.D. Sonak, learned Assistant Government Pleader for respondent Nos.1 to 3.

The contention of the petitioner is that the notice of convening the meeting to consider the 'no confidence motion' was given on 04/01/2016 and the meeting is held on 11/01/2016 and, therefore, there is violation of provisions of Section 35(1) of the Maharashtra Village Panchayats Act, 1958, which lays down that the meeting should be held within seven days of receipt of the notice. The issue raised by the petitioner is covered by the judgment given in the case of **Prabhakar Madhav Jadhav vs. State of Maharashtra and**

others, reported in 2003(2) Bom.C.R. 871, which lays down that the day on which the notice is received, has to be excluded while calculating the period of seven days for convening the meeting.

'No confidence motion' is passed by 7 out of 9 members i.e. more than 2/3rd majority. The petitioner has not been able to demonstrate that the 'no confidence motion' passed against him is illegal or unsustainable for any other reason. The impugned order is proper and does not require any interference.

The petition is dismissed. The parties to bear their own costs.

JUDGE

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