

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

Writ Petition No.2052 of 2016
(Sadulla Kha Saifulla Kha and others v. The Additional Collector, Akola,
and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.B. Mirza, Advocate for Petitioners.
Ms Geeta Tiwari, Assistant Government Pleader for Respondent
Nos.1 and 2.
Shri S.D. Chopde, Advocate for Respondent No.4.

Coram : R.K. Deshpande, J.
Date : 20th October, 2016

This petition challenges the order dated 16-3-2016 passed by the Additional Collector, Akola, allowing the appeal challenging the no-confidence motion. The Additional Collector has set aside the no-confidence motion on the ground that the notice of this motion was not served upon the respondent No.4.

From the reply filed by the petitioner in response to the appeal filed by the respondent No.4, the stand is taken that the notice was handed over to the Tahsildar, Murtizapur, for being served upon the respondent No.4. Perusal of the notice dated 25-6-2015 shows that it was served in presence of the Police Patil on 26-6-2015. The Police Patil has stated in his evidence that the notice was not served in his presence.

According to the learned counsel for the petitioner, the Talathi, who was asked to serve the notice upon the respondent No.4, has made a statement that the notice was served by him and the respondent No.4 has signed in his presence.

The finding recorded by the Additional Collector in the order that the notice of no-confidence motion was not served upon the petition is based on appreciation of evidence available on record and it is a possible view of the matter.

No interference is called for. The petition is dismissed.

Judge.

Lanjewar