

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

WRIT PETITION NO.3212 OF 2015

GAUTAM S/O SUKHADEO PACHPORE

VS

THE ADDITIONAL COLLECTOR, AKOLA AND OTHERS

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

Court's or Judge's orders

Shri A. B. Mirza, Advocate for the petitioner.
Shri K. L. Dharmadhikari, Asstt. Government Pleader for respondent Nos.1
and 2.

CORAM : A.S. CHANDURKAR, J.

DATED : JUNE 27, 2016.

The challenge in the present writ petition is to the order dated 30-4-2015 passed by the Additional Collector thereby dismissing the appeal preferred by the petitioner and upholding the motion of no confidence against the petitioner.

The petitioner was elected as Up-Sarpanch of village Talegaon Paturda. On 8-7-2014, a requisition was made seeking to move a motion of no confidence against the petitioner. A special meeting was accordingly held on 14-7-2014 and by 2/3rd majority this motion was passed against the petitioner. The appeal filed by the petitioner was rejected by the Additional Collector. Hence, this writ petition.

Shri A. B. Mirza, the learned Counsel for the petitioner submitted that the no confidence motion was not moved against the petitioner in accordance with law. He submitted that the motion was not proposed by any member and that it was also not seconded. He further submitted that the issues on which the requisition was given were not

discussed in the meeting.

Shri K. L. Dharmadhikari, the learned Assistant Government Pleader for the respondent Nos.1 and 2 submitted that the resolution in question was passed in accordance with law and therefore, the appeal was rightly dismissed.

Having heard the respective Counsel, I do not find that any error was committed by the Additional Collector when he dismissed the appeal upholding the motion of no confidence. The minutes of the said meeting indicate that an opportunity was given to the petitioner to respond to the said motion. After considering the say of the petitioner, the motion was put to vote and it was passed by the majority of members. As regards the submission that the motion was not proposed, said ground does not find place in the memorandum of appeal that was filed by the petitioner before the Additional Collector. Considering the fact that the petitioner had lost the confidence of the members and the motion was passed by the requisite majority of members, no case for interference in writ jurisdiction is made out. The petition is, therefore, dismissed. No costs.

JUDGE

/MULEY/