

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

WRIT PETITION NO.1214 OF 2017

Sow. Meena Babasaheb Ilhe
Age 40 years, Occu. Labour,
R/o Talegaon (Dighe),
Tq. Sangamner, Dist. Ahmednagar ... PETITIONER

VERSUS

1. The State of Maharashtra
 through its Secretary,
 Rural Development Department,
 Mantralaya, Mumbai - 400 032
2. The Additional Collector,
 Ahmednagar, Dist. Ahmednagar
3. The Tahsildar, Sangamner,
 Tq. Sangamner, Dist. Ahmednagar.
4. The Grampanchayat
 Talegaon (Dighe), Tq. Sangamner,
 District Ahmednagar,
 through its Gramsevak
5. Deelip s/o Patilba Dighe,
 Age 35 years, Occu. Agril.
6. Bhaskar s/o Dhodiba Kandalkar,
 Age 32 years, Occu. Business
7. Ramesh s/o Dagdu Dighe,
 Age 37 years, Occu. Agril.

8. Vithabai w/o Dnyaneshwar Jorvekar,
Age 70 years, Occu. Household
9. Asha w/o Pandharinath Ilhe,
Age 29 years, Occu. Household
10. Machindra Changdeo Dighe,
Age 50 years, Occu. Agril.
11. Sitaram s/o Amruta Dighe,
Age 47 years, Occu. Agril.
12. Meera w/o Balu Dighe,
Age 31 years, Occu. Household
13. Changdeo Balu Dighe,
Age 32 years, Occu. Agril.
14. Pramila w/o Sunil Jagtap,
Age 39 years, Occu. Labour
15. Meenakshi Santosh Dighe,
Age 29 years, Occu. Agril.
16. Anil s/o Nivrutti Dighe,
Age 38 years, Occu. Agril.
17. Ranjanabai w/o Babasaheb Dighe,
Age 37 years, Occu. Agril.
18. Chabubai w/o Haribhau Dighe,
Age 61 years, Occu. Agril.

Nos.5 to 18 R/o Talegaon (Dighe),
Taluka Sangamner,
District Ahmednagar

... RESPONDENTS

.....
Shri R.A. Tambe, Advocate for petitioners
Shri A.V. Deshmukh, A.G.P. for respondent Nos.1 to 3
Shri K.N. Shermale, Advocate for respondent Nos.6 to 10
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CORAM: S. B. SHUKRE, J.

DATED: 25th January, 2017.

ORAL JUDGMENT :

1. Learned A.G.P. appears and waives service on behalf of respondent Nos.1 to 3. Learned counsel Mr. K.N. Shermale appears and waives service on behalf of respondent Nos.6 to 10 and 12 to 18. Respondent No.4 being formal party, no notice is necessary. Respondent Nos.5 and 11 were absent at the time when the motion of no confidence was passed and, therefore, no notice is necessary to them also.

2. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

3. By this petition, no confidence motion passed by the majority of members of Grampanchayat has been sought to be challenged on the ground that if majority thinks capriciously and acts arbitrarily, the casualty will be the democratic process and no democratic institution at the grass-root level shall be allowed to perform and function properly and in the interest of justice.

4. The basis of this petition being the propriety of the vote cast by the majority, in my considered opinion, same could not be a subject matter for challenging the motion of no confidence. Every member of a Grampanchayat has a right to vote according to his own conscience and under the law or the constitutional principles he is not expected to justify exercise of his right to vote based upon his conscience. No reasons are required to be given by him for choosing to vote in a particular way. There is no other ground of challenge raised in this petition. Therefore, I see no merit in the petition. The petition is, therefore, dismissed with costs. Rule is discharged.

(S. B. SHUKRE)
JUDGE

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