

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

WRIT PETITION NO. 3530 OF 2017

**GOVIND KONDAJI NAGAPURE AND OTHERS
VERSUS
SUREKHA MAHENDRA WAKALE AND OTHERS**

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Mr.S.P.Shah, Advocate for petitioners
Mr.A.D.Pawar, Advocate for respondent no.3
Mr.R.B.Bagul, AGP for respondent nos.8 to 10

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.
DATE : MARCH 20, 2017**

PER COURT :

Mr.Shah, learned Counsel for the petitioners submits that the petitioners are the Members of Gram Panchayat. A meeting of Gram Panchayat was convened to consider the no-confidence motion against the Sarpanch. The petitioners were not allowed to participate in the said meeting.

2. According to the learned Counsel for the petitioners, the petitioners were erroneously

disqualified and subsequently, stay was granted to their disqualification and as such, in the absence of the petitioners, the said meeting could not have been convened. According to the learned Counsel, the Sarpanch may prosecute the remedy available to him, but as the petitioners were erroneously not allowed to participate in the meeting held to consider the no-confidence motion against the Sarpanch, the rights of the petitioners are affected.

3. We have also heard the learned AGP for the State and the learned Counsel for respondent no.3.

4. It appears that on the day when the meeting to consider the no-confidence motion against the Sarpanch was convened, the petitioners were disqualified. Stay to their disqualification was granted subsequent to the said meeting. Naturally, on the day of the meeting, the

petitioners could not have participated in the meeting. Considering the above, we cannot accede to the case of the petitioners.

5. The Writ Petition stands dismissed. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

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