

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3309 OF 2017

Ravindra S/o Babasaheb Golde

Petitioner

V E R S U S

The State of Maharashtra, through
its Secretary, Village Development
Department, Mantralaya, Mumbai-32
and four others

Respondents

Mr. V.V. Udhan, Advocate for the petitioner
Mr. Y.G. Gujrathi, A.G.P. for the respondents/State

**CORAM : S.V.GANGAPURWALA AND
K.L. WADANE, JJ.**

DATE : 9th MARCH, 2017

PER COURT :

1. Mr.Udhan, learned counsel for the petitioner states that the requisition has been moved for calling the meeting against the petitioner-Sarpanch for no confidence. Five persons have moved the said requisition. Out of those persons, one lady Jijabai is not the member of the Gram Panchayat, still it is shown that she has put her thumb impression on the

said requisition. Learned counsel further submits that three members are elected from the reserved category. As per Section 10 (1-A) of the Bombay Village Panchayat Act, more particularly it's proviso, a person who get elected from the reserved category has to submit Validity Certificate in six months. Learned counsel submits that as three persons are disqualified and one more is not the member of the Gram Panchayat, the requisition is not by majority. The Gram Panchayat has total seven members. Considering the above, notice of the no confidence motion being illegal, deserves to be set aside.

2. We have heard the learned A.G.P.

3. The contention of the petitioner could have been accepted in view of the Judgment of the Full Bench of this Court in the case of **Anant H. Ulahalkar and another Vs. Chief Election Commissioner and others**, reported in **2017 (1) Mh.L.J. 431**. However, the said Judgment has been stayed by the Apex Court on

13th February, 2017 in the Special Leave to Appeal. Even if we exclude the name of one person who has signed the requisition, the same would have been deemed to be signed by the requisite number of members. In view of above, the grievance of the petitioner cannot be considered.

4. The Writ Petition is dismissed. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)