

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1027 OF 2017

Vatsalabai Vaijnath Ghodke,
age: 55 years, Occ: Agril.,
R/o Sindhikamath, Tq. Deoni,
District Latur.

Petitioner

Versus

01 The Additional Collector,
Latur, District Latur.

02 The Tahsildar, Deoni,
and Presiding Officer, Deoni,
Tq.Deoni, District Latur.

03 The Gramsevak,
Sindhikamath, Tq. Deoni,
District Latur.

04 Annapurna Rameshrao Goundgave,
age: major, Occ: Agril.,
R/o Sindhikamath, Tq. Deoni,
District Latur.

05 Devyani Shrimant Chinchole,
age: major, Occ: Agril.,
R/o Sindhikamath, Tq.Deoni,
District Latur.

06 Alka Bharat Konale,
age: major, Occ: Agril.,
R/o Sindhikamath, Tq. Deoni,
District Latur.

07 Vijaya Pralhad Tagare,
age: major, Occ: Agril.,
R/o Sindhikamath, Tq.Deoni,
District Latur.

08 Vithal Hanumantrao Melkunde,
age: major, Occ: Agril.,
R/o Sindhikamath, Tq. Deoni,
District Latur. Respondents

09 Bhaskar Hanumantrao Gaikwad,
age: major, Occ: Agril.,
R/o Sindhikamath, Tq. Deoni,
District Latur.

Respondents

Mr.M.P.Kale, advocate holding for Mr.G.V.Sukale, advocate for the petitioner

Mr.S.K.Tambe, A.G.P. for Respondents No.1 & 2

Mr.A.N.Sabnis, advocate holding for Mr.N.D.Gunale, advocate for Respondents No.4 & 5.

CORAM : S.B.SHUKRE, J.

DATE : 16th February, 2017

ORAL JUDGMENT:

1 Issue notice to contesting respondents No.1 & 2 and 4 & 5 for final disposal of the matter at admission stage. There is no need to issue notice to remaining respondents considering nature of challenge raised in this petition.

2 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for the petitioner and contesting respondents.

3 On perusal of the impugned order, it appears that the learned Collector has considered the questions of facts arising out of the rival contentions relating to procedure to be followed before the Motion of No Confidence was passed and the learned Collector has rightly concluded about no irregularity being noticed in

passing the motion. No perversity, in such situation, is seen. Therefore, majority vote expressed against the petitioner cannot be questioned. There is also no flagrant violation of any procedural rule. In these circumstances, majority vote, expressing no confidence in the petitioner, deserves to be respected. In this regard, I draw support from the observations of the Division Bench in the case of **Nimba Rajaram Mali Vs. Collector, Jalgaon & others**, reported in 1998 (3) Mh.L.J. 204, appearing in paragraph no. 13 of the judgment, relied upon by learned Counsel for Respondents No.4 & 5, as under:

“13 Unless it is shown that while passing such a resolution of No Confidence Motion, there was flagrant violation of any of mandatory procedure laid down, such a resolution cannot be interfered with by the court or statutory authorities adjudicating such disputes.”

4 In this view of the matter, writ petition is dismissed. Rule discharged. No costs.

S.B.SHUKRE
JUDGE

adb/wp102717