

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

937 WRIT PETITION NO. 13590 OF 2017

MAROTI BANDU REKULWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Yuvraj V. Kakde.
AGP for Respondent : Mr. S. N. Kendre.

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CORAM : **V. K. JADHAV, J.**
DATE : 21st November, 2017.

ORDER:

. The learned counsel for the Petitioner submits that the Collector / Officer authorized by him on his behalf, has not called the special meeting within seven days from the date of receipt of the requisition under sub-Section (2) of Section 72 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. The learned counsel submits that the Petitioner is only the person from S.T. category and in the proposed no confidence motion, the charges levelled against the Petitioner negated by the information supplied by the Block Development Officer to the Petitioner.

2 On careful perusal of the provisions of Section 72, it appears that the power of the Collector to fix the date for special meeting includes the power to change the date while adhering to the conditions

imposed by sub-Section (3). Though sub-Section (3) of Section 72 casts a statutory duty on the Collector to call the meeting, but it does not provide for the consequences that the requisition automatically lapse if meeting could not take place within the said period. The purpose of such special meeting is to give its members opportunity to express their no confidence on the office bearers.

3 Further, the learned counsel for Petitioner has not pointed out this Court any provision that if no person other than the Petitioner from S.T. category is available, no such motion can be proposed. So far as the information supplied by the Block Development Officer is concerned, the same can be confronted with the members in the meeting to convince them about their allegations made in the proposed no confidence motion. I do not find any reason to interfere at this stage. Majority of the members have proposed the no confidence motion. The Petitioner is always at liberty to challenge the no confidence motion, if it is carried out successfully. The writ petition is disposed of.

[V. K. JADHAV, J.]