

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.252 OF 2017
(Udhav Bapurao Bhavar Vs. The Additional Collector and others)

Mr.R.V.Gore, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 09/01/2017

PER COURT :

1. The petitioner is aggrieved by the passing of the no confidence motion on 01/10/2016 in the special meeting and the order dated 28/11/2016 delivered by respondent No.1 / Additional Collector, by which C.R.No.219/2016 has been dismissed.

2. Mr.Gore, learned Advocate for the petitioner has strenuously criticized the impugned order and the manner in which the Tahsildar conducted the Special meeting. His grievance is that the motion of no confidence was tabled in the special meeting and there was no discussion at all on the said motion. It was placed for recording of the votes and the motion was passed by a majority vote count of 6 against none.

3. I have considered the submissions of the petitioner and have gone through the record available. The typed copy of the proceeding book is also placed on record.

4. The petitioner was elected as a Deputy Sarpanch of Gram Panchayat, Shekta, Tal.Paithan. A requisition motion was moved on 26/09/2016 and was served upon the Tahsildar. 6 members out of the 9 elected representatives had signed on the motion. The Tahsildar issued a notice on the same day and convened a special meeting on 01/10/2016. There is no dispute that the petitioner was served with the said notice.

5. On 01/10/2016, the Tahsildar tabled the motion. The petitioner chose to remain absent alongwith two of his supporters and did not participate in the special meeting. As such, 3 out of the 9 members remained absent. Grievance of the petitioner is that the proceeding book does not indicate views expressed by the members available. Since nobody has expressed any view on the motion, it needs to be inferred that there was no discussion on the said motion.

6. This Court, in the matter of Jivan Somarya Thakare Vs. Additional Collector and others, [2015(5) All M.R.292 = 2016(1) BCR 555] has dealt with the issue of no member having expressed a desire to speak. This Court concluded that the Tahsildar cannot compel any member present in the meeting to speak on the motion. If no

member desires to express a view and as like the instant case, if the petitioner who was facing the no confidence motion, did not choose to remain present and therefore no statement or explanation of the petitioner was recorded, the business transacted in the special meeting cannot be termed to be illegal.

7. In the light of the above, I do not find that the impugned order passed by the competent authority dated 28/11/2016 dismissing the dispute raised by the petitioner could be termed as being perverse and erroneous. This petition, being devoid of merit, is therefore dismissed.

(RAVINDRA V. GHUGE, J.)