

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.3312 OF 2017

Smt. Shubhangi Sakharam Salunkhe	..Petitioner
Versus	
Ld. Additional Collector of Satara and others	..Respondents

Mr. M. A. Patil for the Petitioner.

Mr. S. D. Rayrikar for the Respondent Nos.1 and 2.

CORAM : R. M. SAVANT, J.

DATE : 17th FEBRUARY, 2017

PC.

1 The writ jurisdiction of this Court is invoked against the order dated 31.12.2016 passed by the Additional Collector, Satara, by which order, the dispute application filed by the Petitioner came to be dismissed and resultantly, the resolution of “No Confidence Motion” passed against the Petitioner in the meeting dated 06.08.2016 by a majority of 7:0 came to be confirmed.

2 The Petitioner was elected as a Sarpanch of the Gram Panchayat, Ghot, Taluka Patan, District Satara. A requisition was made by 7 members of the Gram Panchayat to the Tahsildar to convene a meeting of the Gram Panchayat for passing a “No Confidence Motion” against the Petitioner who was the Sarpanch and the Upa Sarpanch. The reasons therefor are mentioned in the requisition. The Tahsildar accordingly in

terms of the requisition dated 01.08.2016 requisitioned the meeting on 06.08.2016 at 11.00 a.m. The notice of the meeting was served on all the members of the Gram Panchayat including the Sarpanch and Upa Sarpanch. It seems that the Tahsildar had also telephonically informed the Sarpanch and Upa Sarpanch of the said meeting and requested them to remain present. The Petitioner who was the Sarpanch and the Upa Sarpanch did not remain present in the meeting. The said meeting was thereafter attended by 7 members out of the 9 members of the Gram Panchayat. The resolution was passed unanimously by all the 7 members who were present in the meeting. In so far as the Petitioner is concerned who was the Sarpanch, the requirement was that the resolution was required to be passed by 3/4th of the members present and voting and since the resolution was passed by all 7 members, the Tahsildar granted approval to the said resolution.

3 The Petitioner aggrieved by the said action by the Tahsildar granting approval to the “No Confidence Motion” passed against her challenged the same by filing a dispute application before the Additional Collector. The Additional Collector in the impugned order has adverted to the facts narrated above. The Additional Collector having regard to the fact that the “No Confidence Motion” was passed by all the 7 members unanimously as also considering the fact that the procedure was followed

by the Tahsildar prior to convening the meeting and also in the course of the meeting, did not deem it appropriate to interfere with the said resolution dated 06.08.2016. The Additional Collector accordingly by the impugned order dated 31.12.2016 has rejected the dispute application.

4 The Learned Counsel appearing on behalf of the Petitioner would seek to reiterate the case of the Petitioner as urged before the authorities namely, that the Petitioner was not served with the notice and in view thereof Petitioner could not address the meeting held on 06.08.2016 which is materially affected the rights of the Petitioner.

5 In my view, it is not possible to accept the said contentions urged by the Learned Counsel. It is impossible to believe that the Petitioner was not aware of the meeting, which was to be held on 06.08.2016 especially having regard to the fact that requisition was moved by 7 members out of the 9 members of the Gram Panchayat. The Petitioner probably seeing the writing on wall did not feel it necessary to attend the meeting and is now seeking to raise the contention that the notice was not served. The Petitioner by not attending the meeting has deprived herself of the opportunity to address the meeting for which she has herself to blame. Since the resolution has been passed by 7 members of the Gram Panchayat unanimously, the Petitioner obviously has lost the confidence of the house. The Petitioner in deference to the said will of the

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members of the Gram Panchayat therefore cannot aspire to continue in office. In that view of the matter, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]