

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4884 OF 2016

Smt.Vanita Madhav Rasal .. Petitioner
Vs.
Smt.Pratibha Shivaji Lohakare and ors. .. Respondents

Mr.P. M. Patil a/w Mr.Sachin D. Bagal, for Petitioner.
Ms.A. Vhatkar, AGP for State.

CORAM : M.S.KARNIK, J.

15th MARCH, 2017

P.C. :

. The petitioner challenges the order dated 17/03/2016 passed by the Additional Collector, Raigad, Alibaug. The petitioner contested the election of Group Village Panchayat, Patharaj, Taluka – Karjat, District Raigad and was duly elected on 23/03/2014. On 05/04/2014, the petitioner was elected as a Sarpanch. On 15/04/2015, respondents No. 1 to 12 moved no confidence motion against the petitioner. The Group Gram Panchayat consisted of total 13 members.

2. No confidence was duly passed on 18/04/2015.

3. The petitioner filed dispute application under Section 35(3B) of the Bombay Village Panchayats Act, 1958. The principal contention of the petitioner is that the entire proceedings of the special meeting is illegal and inoperative and against the mandate of the Bombay Village Panchayats (Meetings) Rules, 1959 (for short 'the said Rules'). According to the petitioner, special meeting was convened by Tahsildar, Karjat on 18/04/2015 and the same was attended by the petitioner and respondents No.1 to 12. The meeting was presided over by Tahsildar, Karjat. It is contended by the petitioner that holding of the said meeting and the entire business conducted has been in gross violation of Rule 17 to 21 of the said Rules. According to the petitioner, the proposal was merely discussed. No confidence motion against the petitioner was not even proposed by anybody present at the special meeting and therefore, there was no question of seconding the same. The petitioner was not allowed to address the meeting and thus, her valuable right of speech in democratic functioning of the local self government is

violated.

4. The Additional Collector Raigad dismissed the Dispute Application for the reasons recorded by him in the order dated 17/03/2016 which is the order impugned in this Petition. The Collector has found that the no confidence motion has been signed by as many as 11 members and 3 reasons have been mentioned for bringing no confidence motion against the petitioner. Learned Additional Collector has further found that the special meeting of no confidence took place on 18/04/2015 in the office of Tahsildar where 13 members were present. It has further been held that in the proceeding on 18/04/2015, it has been recorded that the petitioner has been given an opportunity of addressing meeting and he has also filed written submission. I do not find any error in the impugned order for as many as 11 members have voted in support of the no confidence motion in the Panchayat comprising of 13 members. In this view of the matter, I find no reason to interfere with the impugned order. Writ Petition therefore stands dismissed.

(M.S.KARNIK, J.)