

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8947 OF 2016**

Subhash Bhaskar Harde & Ors

..Petitioners

Vs.

Satyabhama Nirutti Kakalij & Anr

..Respondents

**Mr. Gaurang C. Jhaveri i/b Mr. M.N. Sandhyanshiv for the Petitioners
Mr. R. N. Gite for the Respondent Nos.2, 3 and 5**

**CORAM : R. M. SAVANT, J.
DATE : 19th JANUARY, 2017**

P.C.

1 The Writ Jurisdiction of this court is invoked against the order dated 12-4-2016 passed by the Additional Collector, Malegaon, District Nashik, by which order the Dispute Application filed by the Respondent No.1 herein came to be allowed and resultantly the approval of the no confidence motion by the Tahsildar by order dated 23-2-2016 came to be set aside.

2 The Respondent No.1 was elected as Sarpanch of Village Mohegaon, Taluka – Nandgaon, District Nashik. The motion of no confidence came to be moved against her on 17-2-2016. The said motion was passed by a majority of 6:3. The Tahsildar approved the resolution on the basis that the same was required to be passed by a 2/3rd majority as the post of Sarpanch to which the Respondent No.1 was elected was not reserved for woman.

3 The Respondent No.1 carried the order granting approval to the no confidence motion against her by way of Dispute Application to the Additional Collector. The Additional Collector having regard to the mandate of Section 35(3) of the Bombay Village Panchayats Act and the 3rd proviso thereto held that the Tahsildar had erred in approving the resolution on the basis that the same was to be passed not less by 2/3rd majority. The Additional Collector was of the view that since the post of Sarpanch was held by the Respondent No.1 who is a woman, it was necessary that the same was passed by not less than 3/4th majority as provided in 3rd proviso to Sub Section (3) of Section 35. A reading of the said 3rd proviso makes it absolutely clear that a resolution in respect of a woman Sarpanch has to be passed by 3/4th majority , be it a open seat or a seat reserved for woman.

4 In that view of the matter, the impugned order passed by the Additional Collector allowing the Dispute Application cannot be taken exception to. Hence no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]