

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6024/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. S. Kanetkar for the petitioner
Mrs. Kirti Kulkarni for the respondent Nos.1 and 2.
Mr. Rajesh Parab for respondent Nos.5 and 6.
Mr. Vithal Bhalchandra Joshi, Tahasildar, Khed, in person.

CORAM : K. K. TATED, J.
DATE : JUNE 29, 2017

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the judgment and order dated 18.05.2017 passed by the Additional Collector, Pune in Dispute application No.24/2017 dismissing the petitioner's application challenging No Confidence Motion dated 10.03.2017.

2. The learned counsel for the petitioner submits that in the present proceedings, Rule 17 of the Maharashtra Village Panchayat (Meeting) Rules, 1959 was not complied with. Hence, the impugned order is liable to be set aside.

3. In support of this contention, he relies on a judgment of Division Bench of this court in the

matter of *Vishnu Ramchandra Patil & Ors. Vs. Group Gram Panchayat & Ors. 2013 3 BOM CR 517.*

4. On the other hand, the learned counsel for respondent No.5 and 6 submits that the point involved in the judgment of the Division Bench as referred to by the advocate for the petitioner was covered by the full bench judgment of this court. He submits that full court judgment in the matter of *Tatyasaheb Ramchandra Kale Vs. Navnath Tukaram Kakde & Ors. 2014(6) Mh.L.J. 804*, overruled the judgment in the matter of Vishnu Ramchandra Patil (supra). He submits that this court, in the matter of *Tatyasaheb Ramchandra Kale* held that the procedure prescribed under Rule 17 of the said Rules is not mandatory.

5. In view of the fact that the procedure prescribed under Rule 17 of the said Rules are not mandatory, I do not find any substance in the Writ Petition. Hence, same stands rejected. No order as to costs.

JUDGE