

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12264 OF 2017

Surekha Suresh Mhamane Petitioner
vs
The Collector & ors Respondents

Mr.Manjunath Kakkalameli for Petitioner
Mr.A.P.Vanarase Assistant Government Pleader
for State

*Coram : SMT.VASANTI A.NAIK AND
RIYAZ I CHAGLA, JJ*
Date : 9th NOVEMBER 2017

P.C.:

By this writ petition, the petitioner challenges the order of the Collector, Solapur dated 23.10.2017 dismissing the appeal filed by the petitioner under section 35 (3) (b) of the Maharashtra Village Panchayat Act, 1958.

The petitioner was the sarpanch of gram panchayat, Korawali and a meeting for considering the no confidence motion against the petitioner was held on 5.4.2017. The no confidence motion was passed against the petitioner with more than 2/3rd majority. Being aggrieved by the resolution of no confidence passed against the petitioner, the petitioner filed an appeal under section 35

(3) of the Maharashtra Village Panchayat Act, 1958. The appeal filed by the petitioner was dismissed by the Collector, Solapur by the impugned order dated 23.10.2017.

The learned counsel for the petitioner had three submissions to make for challenging the impugned order. It is stated that the meeting was concluded within 15 minutes and there was no discussion in the meeting. It is stated that the signatures and the thumb impressions of the members that had allegedly signed the requisition notices did not tally with their normal signatures and thumb impressions. It is lastly submitted that though proceedings of disqualification were pending against three members, the said members had participated in the meeting dated 5.4.2017.

We do not find merit in any of the submissions made on behalf of the petitioner for challenging the impugned order. We have perused the impugned order. The Collector, Solapur has recorded several reasons while rejecting the appeal filed by the petitioner. The submissions made on behalf of the petitioner are duly considered by the Collector, Solapur. Since the rules for conducting the meetings do not prescribe any specific duration for conducting the meetings, the submission made on behalf of the petitioner that the no confidence motion is liable to be set aside as the meeting was concluded in 15 minutes is liable to be rejected. We do not find

anything from the minutes of the meeting dated 5.4.2017 that the petitioner was not permitted to participate in the meeting. In fact, it appears from the copy of the minutes of the proceedings of the meeting dated 5.4.2017 that there was a discussion in the meeting pertaining to the irregularities committed by the petitioner and the petitioner and other members were permitted to participate in the discussion. Merely because the proceedings for disqualification were pending against some members, it cannot be said that the said members were not entitled to participate in the meeting. The members could have surely participated in the proceedings before their disqualification. The question whether the members had indeed signed the requisition notice or not cannot be decided in exercise of the writ jurisdiction specially when the said members had not disputed their signatures and had voted against the petitioner.

Since we do not find any merit in any of the submissions raised on behalf of the petitioner, the writ petition is dismissed with no order as to costs.

(RIYAZ I.CHAGLA J)

(SMT.VASANTI A.NAIK, J)