

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.369 OF 2017

(JANARDHAN GANPAT TAYADE...VS.. ADDITIONAL COLLECTOR, AKOLA & 10 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D.Chopde, Advocate for Petitioner.
Shri K.R.Lule, A.G.P. for Respondent Nos. 1 & 2.
Shri Ved R. Deshpande, Advocate for Respondent Nos.4, 6 to 10.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 20, 2017.

The petitioner, against whom no confidence motion has been passed by 8 : 3, has challenged the order passed by the Additional Collector dismissing his application under Section 35(3)(b) of the Maharashtra Village Panchayats Act, 1958.

The substantive challenge of the petitioner is that the notice issued by the Tahsildar for holding the meeting for considering the no confidence motion on 6th May, 2017 was not served on him.

The claim of the petitioner is two fold :

- i) That the notice of meeting is not served on him.
- ii) That the Tahsildar had authorized Talathi and not the Junior Clerk, who has served the notice, to serve the notice.

Shri Prakash Ramesh Bute, Junior Clerk in Tahsil Office, Akola has been examined, who has deposed that he

has served the notice on the petitioner on 2nd May, 2016. This witness is cross-examined on behalf of the petitioner. A suggestion is given to this witness that he was not authorized by the Tahsildar to serve the notice on the petitioner. Another suggestion was given to this witness that his deposition on the point of service of notice on the petitioner is false. The witness has denied the suggestions.

The petitioner claimed that he was not in the village from 3rd May, 2016 to 7th May, 2016 and he had gone to Aurangabad, but the petitioner has not been able to prove this fact.

The learned Additional Collector, after considering the challenges raised by the petitioner and the material on record, has recorded a finding of fact that the notice of meeting was served on the petitioner.

In view of the above, I see no reason to interfere with the impugned order.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE