

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

Writ Petition No.3741 of 2015
(Radhabai w/o Tulsiram Khambalkar v. Additional Collector, Washim
Division, Washim, and others)

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

Court's or Judge's orders

Smt. R.S. Sirpurkar, Advocate for Petitioner.
 Shri K.R. Lule, Assistant Government Pleader for Respondent Nos.1
 and 2.

Coram : R.K. Deshpande, J.

Date : 27th March, 2017

A no-confidence motion has been passed against the petitioner in the meeting dated 5-5-2015. The dispute is regarding service of notice upon the petitioner. The petitioner was not found at the residence on 1-5-2015, and hence the notice was affixed on the door. The panchanama was done, evidencing the service upon the petitioner. The reliance is placed upon Rule 2(2-B) of the Bombay Village Panchayat Sarpanch and Upa Sarpanch (No Confidence Motion) Rules, 1975 to urge that there is non-compliance of it. This Rule is held to be directory by this Court in its judgment in the case of *Hanuman s/o Rangnath Giram and others v. Divisional Commissioner, Aurangabad and others*, reported in *2013(3) Mh.L.J. 712*, and this judgment is relied upon by the authorities. Though Police Patil was a Panch Witness in the affixing of notice on the door, he has given a

certificate that this had not happened, but he does not deny the signature on the said panchanama. Prima facie, no case is made out.

The writ petition is dismissed.

Judge.

Lanjewar