

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**20 WRIT PETITION NO. 4412 OF 2018**

SEEMA SANTOSH JADHAV  
*VERSUS*  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. P. A. Satdive.  
AGP for Respondent/State: Mr. S. R. Yadav  
Advocate for Respondent Nos. 5 to 12 : Mr. R. V. Gore, h/f Mr. Madhukar  
Bodakhe Patil & Mr. A. R. Ahire.

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CORAM : **V. L. ACHLIYA, J.**  
DATE : 02<sup>nd</sup> May, 2018.

**ORDER:**

. By this petition filed under Article 227 of the Constitution of India, the Petitioner has challenged the order dated 2<sup>nd</sup> April, 2018 passed by the District Collector, Aurangabad in Dispute Application No.22 of 2018. By the impugned order, the District Collector, Aurangabad has rejected the dispute application filed by the Petitioner under Section 35 (3) (b) of the Maharashtra Village Panchayat Act, 1958 challenging the no confidence motion passed in the meeting dated 3<sup>rd</sup> February, 2018 of Grampanchayat, Lohgad Nandra, Taluka Phulambri, District Aurangabad.

2 The learned counsel for the Petitioner assailed the impugned order with contention that the District Collector, Aurangabad

has not taken into consideration that the meeting was not conducted in the manner required to be conducted. It is further contended that the notice of no confidence motion was not personally served upon the Petitioner. So also Petitioner was not given opportunity to address the meeting.

3           On the other hand, the learned counsel appearing for Respondent Nos.5 to 12 submits that the notice was duly served upon Petitioner in accordance with Rule 2-B of the Village Panchayat Rules. The fact to that effect has been noted in the resolution passed in the meeting dated 3<sup>rd</sup> February, 2018. It is further pointed out that the Petitioner was personally present in the meeting and she was allowed to address the members present in the meeting. By referring the copy of the resolution, the learned counsel submits that there is absolutely no merit in the submissions of the learned counsel for Petitioner that the rules regulating conduct the meeting have been flouted. It is further contended that the decision taken in the meeting dated 3<sup>rd</sup> February, 2018 to remove the Petitioner as a Sarpanch of village Panchayat, not only acted upon, but new Sarpanch is also elected in place of Petitioner.

4           Having regard to overall facts of the case and considering the submissions advanced in the light of the order passed by the District Collector, Aurangabad and copy of proceeding of meeting dated 3<sup>rd</sup> February, 2018, I am of the view that the petition filed is devoid of merit and substance therein. In the resolution itself, it is mentioned that the notice has been served upon the Petitioner by affixing the copy on the outer place of the house. The copy of the proceeding of meeting clearly reflects that the Petitioner was present in the meeting and granted opportunity to address the members. The resolution has been passed with 8 members voted in favour of the resolution as against 1 member voted against the resolution. The District Collector, Aurangabad has dealt all the contentions raised by the Petitioner and the order passed is reasoned. There is no perversity in the order passed by District Collector. In absence of any arbitrariness, jurisdictional error, the order calls for no interference in exercise of writ jurisdiction under Article 227 of the Constitution of India. Accordingly, the petition is dismissed.

**[ V. L. ACHLIYA, J. ]**