

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10751 OF 2018
(Radhika Vikas Zambare Vs. The Collector, Ahmednagar and others)

Mr.A.S.More, Advocate for the petitioner.
Mr.K.S.Patil, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/10/2018

PER COURT :

1. The petitioner is aggrieved by the order dated 03/07/2018 passed by the District Collector, Ahmednagar by which the “No Confidence Motion” passed in the special meeting on 17/05/2018 against the petitioner/Sarpanch, has been sustained.

2. Learned Advocate for the petitioner has strenuously criticized the impugned order and the conducting of the special meeting on the following grounds :-

[a] The requisition motion moved by the members does not contain such instances or allegations by which a “No Confidence Motion” could be moved against the petitioner.

[b] The notice for convening the special meeting was not served on the petitioner or her husband.

[c] The petitioner was therefore absent from the special meeting as she had no knowledge at all that the meeting was

convened.

[d] Though the motion is passed by 5 : 0 vote count, the same is in the absence of the petitioner.

[e] The District Collector has failed to consider the above contentions and has mechanically rejected the dispute raised by the petitioner.

3. I find from the record that a requisition was moved on 11/05/2018 by 5 members. A special meeting was convened within 7 days on 17/05/2018. 5 members were present and after discussing the allegations against the petitioner/Sarpanch, the motion was passed by 5 votes in favour and none against.

4. In so far as the contention of the petitioner that she was not served with the notice is concerned, I find that the official record indicates that the notice of the special meeting was offered to the petitioner who declined to accept. It was then offered to her husband who resides with her in her house. He also refused to accept it. Thereafter, the notice was pasted on the door of the petitioner's house and the panchas present have signed as witnesses to the same.

5. Learned Advocate for the petitioner strenuously contends that

a false record is created by the Tahsildar. I have no reason to entertain this contention in view of the fact that a panchanama was carried out when the notice was affixed after the petitioner and her husband declined to accept it.

6. In view of the above, I do not find that the impugned order could be termed as being perverse or erroneous. This petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)