

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.12099 OF 2018

Nivrutti Balaji Shingane

Petitioner

VERSUS

The State of Maharashtra & ors.

Respondents

...

Mr. Ravindra Nirmal, Advocate for the petitioner

Mr. P.N. Kutti, AGP for the respondent Nos.1 to 3

Mr. M.P. Kale, Advocate for the respondent No.8

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 29th OCTOBER, 2018

PER COURT :

1 The petitioner is aggrieved by the order of the District Collector dated 03.10.2018 by which the Grampanchayat dispute No.124/2018 filed by the petitioner/Sarpanch has been rejected.

2 Learned counsel for the petitioner has strenuously criticized the impugned order and submits the sequence of events as under.

a) The requisition motion was signed by six out of the nine elected members proposing the no confidence motion.

b) The requisition typed copy was dated 14.08.2018.

- c) The notice was tendered to the Tahsildar on the same day i.e. on 14.08.2018.
- d) The special meeting was convened on 23.08.2018 which is beyond seven days which is a mandate of law.
- e) There is an interpolation in the requisition notice date 14.08.2018 which is corrected as 16.08.2018.
- f) Even going by the corrected date, the special meeting is not convened within seven days as the 7th day expired on 22.08.2018.

3 The petitioner concedes that the no confidence motion was passed by six votes in favour and none against. The petitioner and his two supporters did not attend the special meeting.

4 Learned AGP appearing on behalf of respondent Nos.1, 2 & 3 submits that the notice alleging to be dated 14.08.2018 was tendered to the Tahsildar on 16.08.2018 at 5.00 p.m.. The Tahsildar has endorsed on the said notice and has put the date as 16.08.2018, 5.00 p.m. below his signature. The notice on record is corrected as 16.08.2018. Thereafter, the Tahsildar issued the notice for convening the special meeting on 23.08.2018.

5 I find from the record that the Tahsildar has convened a

special meeting on the 7th day. Since the date on which he received the requisition is 16.08.2018, 5.00 p.m., it cannot be construed to mean that one day has expired the moment the Tahsildar has received the notice. This issue has been dealt with by this Court in several matters and it is concluded that the date on which the notice is presented to the Tahsildar, should not be reckoned with for counting the seven days after the Tahsildar has received the notice.

6 The District Collector has dealt with the above issues and has arrived at a conclusion on the basis of the record that the Tahsildar has issued the notice after he received it on 16.08.2018. His endorsement and his signature with the date there below indicates that it was served on him on 16.08.2018 at 5.00 O'clock.

7 The petitioner has lost the no confidence motion by six votes against nil.

8 Considering the above, I do not find that the impugned order of the District Collector could be termed as being perverse or erroneous. This petition being devoid of merits is therefore dismissed.

[RAVINDRA V. GHUGE, J.]

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