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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7690 OF 2018

Ananda B. Pisal	...Petitioner
V/s.	
State of Maharashtra & Ors.	...Respondents

Mr.Kalpesh Patel for the Petitioner.
Mr.S.H. Kankal, A.G.P. for the State – Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 24TH JULY, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 20th June, 2018 passed by the respondent no.2 in Dispute Application No.24 of 2017 and allowing the Dispute Application No.24 of 2017. The petitioner was declared elected from ward no.1 on 6th August, 2015 of village Karawadi by the Additional Collector and was elected as Sarpanch on 28th August, 2015. The respondent nos.4 to 11 requisitioned a special general meeting for passing “no confidence motion” against the petitioner. On 16th November, 2017, the “no confidence motion” was passed against the petitioner. The petitioner challenged the validity of the said decision before the respondent no.2 – Collector on 21st November, 2017. Learned Collector rejected the said appeal filed by the petitioner on 20th June, 2018.

2. Learned counsel appearing for the petitioner submits that though out of 11 members, 8 members present in the meeting voted against the petitioner, one of those members has subsequently filed an affidavit before the authority alleging that he was threatened by other members to vote in favour of the “no confidence motion” and because of such threat, his mental condition was unstable and he voted in favour of “no confidence motion”. He submits that though the learned Collector has referred the said affidavit in the impugned order, has not dealt with the same.

3. The next submission of the learned counsel is that the petitioner was not given three days clear notice by the learned Tahsildar before requisitioning the meeting for “no confidence motion”.

4. There is no dispute that out of 11 members, 8 members had voted in favour of “no confidence motion” against the petitioner. The only ground of challenge appears to be that one of the members had subsequently filed an affidavit alleging that he was threatened to vote in favour of the “no confidence motion”. The fact remains that the said member did not file any complaint with any authority against the other members, who had alleged to have threatened him to vote in favour of “no confidence motion”. Filing of such affidavit simplicitor would not prove the allegations made therein. The resolution of “no confidence motion” was passed by 2/3rd majority against the

petitioner. I am not inclined to interfere with the impugned order.

5. Insofar as the issue of the short notice alleged by the petitioner is concerned, it is not in dispute that the petitioner had attended the said meeting in which “no confidence motion” was tabled by the other members of the village panchayat along with his advocate. The petitioner has thus rightly construed the contents of the said notice and has participated in the said meeting. It is not the case of the petitioner that for want of short notice, the petitioner was unable to participate in the meeting in which the resolution of “no confidence motion” was passed against him.

6. It has been held in the catena of judgments that the decision of the majority has to be given weightage while considering the challenge to the resolution of “no confidence motion” against a member of village panchayat.

7. Both the authorities have rendered various reasons in the impugned orders while rejecting the case of the petitioner. In my view, the findings recorded by the authorities are not perverse and thus cannot be interfered with by this Court in this writ petition under Article 227 of the Constitution of India. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)