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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.1562 OF 2018

Mangal S. Sawant	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr. Shailesh D. Chavan for the Petitioner.

Mr. S.D. Rayrikar, A.G.P. for the State – Respondent Nos.1 to 3.

Mr. Bhushan Deshmukh for the Respondent Nos.5 to 11.

CORAM : R.D. DHANUKA, J.
DATE : 23RD JANUARY, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 1st January, 2018 passed by the respondent no.2 and also the decision on no confidence motion moved against the petitioner by seven members of the Village Panchayat.

2. The petitioner was elected as Sarpanch under section 28 of the Maharashtra Village Panchayat Act, 1958. Seven members out of nine members moved no confidence motion against the petitioner on three grounds. The meeting was held by the members of the Grampanchayat on 13th October, 2013. The petitioner remained

absent though served. Out of nine members, the petitioner was one of the member. One of the member was already disqualified. Remaining seven members, which were present in the said meeting, passed an unanimous resolution against the petitioner of no confidence motion. The said decision of the members was impugned by the petitioner by filing an appeal before the Collector. By a detailed order passed by the learned Collector, the appeal filed by the petitioner came to be dismissed.

3. Learned counsel for the petitioner submits that the petitioner had not received any notice of no confidence motion and thus could not remain present when the meeting held on 13th October, 2017. He submits that no reasons are rendered by the members of Panchayat in the said no confidence motion alleging any illegality alleged to have been committed by the petitioner. He submits that even the Collector in the impugned order has not considered the submissions made by the petitioner.

4. A perusal of the order passed by the Collector indicates that a finding is rendered that the petitioner was issued a notice by the Village Panchayat for attending the meeting proposed to be held on 13th October, 2017. Such findings being not perverse, cannot be interfered with by this Court in this petition filed under Article 227 of the Constitution of India.

5. Insofar as the submission of the learned counsel for the petitioner that no reasons were mentioned in the no confidence motion and also in the resolution passed by the members is concerned, a perusal of the no confidence motion shows at least three reasons recorded for which the members had moved no confidence motion against the petitioner. The resolution passed by the members clearly indicates that there was discussion on those three grounds in the said meeting which was not attended by the petitioner. After considering those grounds, a detailed resolution was passed and the said no confidence motion moved against the petitioner was confirmed.

6. A perusal of the order passed by the Collector clearly indicates that a detailed reasoned order is passed by the Collector and the appeal filed by the petitioner came to be rejected. The reasons recorded in the resolution as well as by the Collector being not perverse, cannot be interfered with by this Court in the petition filed under Article 227 of the Constitution of India. The election of Sarpanch is scheduled to be held on tomorrow.

7. The petition is devoid of merits and is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)