

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION (ST) NO. 9342 OF 2018****Alka Sampat Kale****..... Petitioner****VERSUS****The Collector, Nashik & Ors.****..... Respondents**

Mr.Prashant D. Patil for the Petitioner.

Ms.K.N.Solunke, A.G.P. for the State – Respondent nos. 1 and 2.

CORAM : R.D. DHANUKA, J.**DATE : 5th APRIL, 2018****P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 5th March,2018 passed by the learned Collector, Nashik in Gram Panchayat Dispute Application No.02 of 2018 and also prays that No Confidence Motion passed in the special meeting dated 3rd January,2018 against the petitioner i.e. Up-Sarpanch of Village Pimpalgaon Mor, Tal Igatpuri, District Nashik be quashed and set aside.

2. The petitioner was elected as Up-Sarpanch on 5th May,2014. On 28th December,2017, respondent nos. 5 to 9 had moved proposal of No Confidence Motion against the petitioner on various grounds and applied to the respondent no.2 to convey a special meeting. On 3rd January,2018 the respondent no.2 conveyed a special meeting and served a notice upon the petitioner by pasting the said notice on conspicuous part of the residence of the petitioner under a

panchanama. The petitioner raised an objection before the said meeting was held and participated in the meeting held by the respondent no.2. The petitioner filed a dispute before the learned Collector, District Nashik on 6th January,2018. The respondent no.1 passed an order that the special meeting held on 3rd January, 2018 was valid and proper.

3. Learned counsel for the petitioner submits that the petitioner was though present at his residence, the notice alleged to have been pasted on the conspicuous part of the residence of the petitioner. The petitioner was not served with the said notice. The petitioner raised an objection specifically in this regard by addressing a letter dated 30th December,2017 on 3rd February, 2018. In the said meeting held by the respondent no.2, a 'No Confidence Motion' came to be passed. Out of 7 members of the village panchayat present in the meeting, 5 members voted in support of the 'No Confidence Motion'. The learned Collector has considered all these issues in detail and passed the impugned order rejecting the proceedings filed by the petitioner.

4. It is not in dispute that the petitioner was present in the meeting held by the respondent no.2 and participated in the said meeting. A perusal of the panchanama annexed to the petition indicates that the petitioner was served with the notice on 28th December,2017. I am thus not inclined to accept the submission made by the learned counsel for the petitioner that the petitioner was not served with the proper notice under the provisions of Maharashtra Village Panchayat Act, 1959. The requisite majority of the members have passed a Motion of

No Confidence against the petitioner on various grounds. The said resolution of 'No Confidence Motion' is upheld by the learned Collector. The learned Collector has rendered various findings which are not perverse and thus cannot be interfered with by this court under the petition filed under Article 227 of the Constitution of India.

5. Writ petition is devoid of merits and is accordingly dismissed.
No order as to costs.

[R.D. DHANUKA, J.]