

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8937 of 2018

Smita Dyaneshwar Padekar and anr.Petitioners
versus
The State of Maharashtra and ors.Respondents

Mr. V. S. Tadke I/b. Mr. Mohan B. Gawade, advocate for the petitioners.
Mrs. M. P. Thakur, AGP for the State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 10th AUGUST, 2018.

P. C. :

The petitioners, by filing this petition, under Article 226 of the Constitution of India, are challenging the notice dated 6th August, 2018 issued by the Tahasildar, Junnar (Pune), calling for special meeting of Grampanchayat Santwadi, Taluka – Junnar, District Pune to discuss “No Confidence Motion” against the petitioner No.1- Sarpanch. Under the said notice, the special meeting of the Grampanchayat was scheduled to be held today i.e. 10th August, 2018 at 10. am.. The learned AGP, on instructions, submitted that the meeting has already started at 10.00 am and in our view, in all probability by now i.e. 11.47 a.m., the meeting must have been concluded. We are, therefore, not inclined to entertain the petition.

2. The learned counsel for the petitioners submitted that out of the total 8 members, the proceedings against 4 members are pending for disqualification, therefore, they have no locus to participate in the special meeting convened to discuss the "No Confidence Motion". The learned counsel for the petitioners, however, does not dispute that as of today, none of these 4 members, have been disqualified. In our view, till disqualification of all those persons, they are entitled to work as member of the Grampanchayat and participate in the special meeting which is called under the impugned notice. Taking totality of the facts and circumstances into consideration, we are not inclined to interfere with the impugned order. The petition is, accordingly, dismissed.

3. It is made clear that if "No Confidence Motion" is passed against the petitioner No.1, he is at liberty to challenge the same by filing appropriate proceedings before an appropriate authority.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]