

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2768 OF 2019
(Ujwala Sudam Valvi Vs. The State of Maharashtra and others)

Mr.B.R.Warmaa, Advocate for the petitioner.

Mr.S.P.Tiwari, AGP for State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/07/2019

PER COURT :

1. The petitioner/Sarpanch of Gram Panchayat Keli, Tal.Navapur, Dist.Nandurbar is aggrieved by passing of the “No Confidence Motion” on 20/11/2018 and is also aggrieved by the order passed by the District Collector, Nandurbar, rejecting her gram panchayat dispute application and sustaining the result of the “No Confidence Motion”.

2. Mr.Warmaa for the petitioner/Sarpanch has strenuously criticized the impugned order and submits that false allegations were levelled upon the petitioner by the few elected members of the Village Panchayat. They had a grudge against her because they had initiated action against themselves (as regards non payment of village panchayat taxes). When they realized that the Sarpanch was

initiating action for recovery of unpaid taxes, they joined hands and came together to oust a lady Sarpanch. It is further submitted that though she desired to oppose every allegation and speak in the said meeting, she was restrained from doing so.

3. Mr.Warmaa further submits that the ground was raised before the District Collector that requisite number of copies of the requisition motion were not supplied to the Tahsildar by the persons who had moved the motion. Despite his strenuous submissions, I find that this issue as regards whether certain rules of the No Confidence Motion are directory or mandatory, has been considered by this Court in the matter of Arjun Sambhaji Khade and others Vs. Mangal Ankush Kharmate and others [2003(2) Mh.L.J. 295] holding that the failure to furnish additional copies of the notice does not vitiate the process or render the motion of no confidence unlawful. Though Rule 2(2) of the Bombay Village Panchayat Sarpanch and Up-Sarpanch (No Confidence Motion) Rules, 1975 prescribes additional 7 copies to be furnished, the said requirement is not mandatory and a defect in supplying additional copies is only an irregularity, which would not vitiate the proceeding.

4. The learned AGP appearing on behalf of the State points out

from the proceedings that the requisition motion was delivered to the Tahsildar on 14/11/2018. He convened the said meeting on 20/11/2018. The petitioner/Sarpanch was served with the notice and she was present in the meeting. The Tahsildar allowed her to speak and she in fact denied the allegations made against her. She tried to expose the members by stating that the allegations are false and unsustainable. She justified the work that she has performed as a Sarpanch and thereafter the matter was put to voting. 7 members voted against her and there were 2 votes in her favour.

5. Having considering the above submissions and having perused the record available, I have gone through the impugned order passed by the District Collector. I find that he has considered the above aspects and the entire contentions of the litigating sides. I do not find that his conclusions could be termed as being perverse. I also find that the petitioner was also allowed to speak in the special meeting and she has addressed the members available in the meeting.

6. This petition, being devoid of merit, is therefore dismissed.

(Ravindra V.Ghuge, J.)