IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5753 OF 2019

PUSHPADEVI RAM MUNDHE
VERSUS
MEERABAI MURLIDHAR MUNDHE AND OTHERS

Advocate for Petitioner : Mr. Patil Milind
AGP for Respondent Nos.6 and 7 : Mr. Yadav S.R.
Advocate for Respondent Nos.1 to 5 : Mr. Bondar U.B.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 25/07/2019

PER COURT :

1. This matter was heard for a considerable time. I have also perused the order passed by this Court (Vacation Judge) dated 14/05/2019. On the directions of this Court issued on 09/07/2019, the learned AGP has placed the record available before the Court

2. After this matter was heard and when called upon, the learned Advocate for the petitioner submits that she is willing to face the same requisition notice proposing "No Confidence Motion", if the meeting is held in 7 days from today. The time and the date may be fixed by this Court and the petitioner would participate in the said meeting and would address the members for opposing the "No

Confidence Motion".

3. The learned Advocate appearing on behalf of respondent Nos. 1 to 5 submits that they are also agreeable and the requisition notice for proposing the "No Confidence Motion" dated 07/02/2019, can be tabled on a particular date and time at the Village Panchayat Office of Village Arbujwadi, Tal.Gangakhed, Dist. Parbhani.

4. The learned AGP submits that respondent No.6 / Tahsildar would abide by the said directions of this Court.

5. In view of the above, by consent, the proceedings as regards the "No Confidence Motion" held on 12/02/2019 in the absence of the petitioner/Sarpanch, are disposed off.

6. It is informed that there was one vacancy in the Village Panchayat on account of the disqualification of one member. There are in all 7 positions. These Village Panchayat members including the Sarpanch are before this Court today. The position that fell vacant on account of the disqualification of that 7th member, has now been filled in by conducting an election and a person by name Mr.Aakash Murlidhar Munde, has been elected. The Tahsildar

therefore will have to issue notice of the special meeting to the said candidate.

7. In view of the above, this petition is disposed off with the following directions :-

[a] The petitioner would continue as a Sarpanch till 01/08/2019 and if she succeeds in the special meeting for taking up the "No Confidence Motion", there would be no question of her dis-continuation and she would thereafter continue as a Sarpanch, subject to further litigation.

[b] The special meeting shall be convened on 01/08/2019 at 12.00 noon at the Village Panchayat Office of Village Arbujwadi, Tal.Gangakhed, Dist. Parbhani.

[c] The Tahsildar/respondent No.6 herein shall be the chair person of the meeting in which he will table the requisition notice dated 07/02/2019. In view of the settled Law, there is no requirement of a proposer or a seconder for the said requisition.

[d] The petitioner shall be permitted to speak in the said meeting so as to address the gathering of the members entitled to sit and vote.

[e] After the petitioner concludes her address, any of the members of the Village Panchayat, who desire to speak, would be permitted by

the Tahsildar to address the members of the meeting.

[f] After those desirous of speaking have concluded, the Tahsildar shall table the motion for voting as per the prescribed procedure and thereafter shall declare the result of the "No Confidence Motion" proceedings.

[g] The Tahsildar shall serve a copy of the special meeting notice on the newly elected member Aakash Murlidhar Munde on or before 30/07/2019.

[h] Rest of the members need not be served with notice as this order itself shall be deemed to be notice on the parties.

[I] Record and proceedings shall be returned forthwith.

(Ravindra V.Ghuge, J.)