

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10623 OF 2019

UDAYSING JAYKUMAR PATIL
VERSUS
THE COLLECTOR OSMANABAD AND OTHERS

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Advocate for the Petitioner : Shri Koli Sunil P.
AGP for Respondents 1 and 2 : Shri S.R.Yadav
Advocate for Respondents 4 to 11 : Shri Kore Ganesh J.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 24th September, 2019

Per Court:

1 The petitioner/ Up Sarpanch has suffered the no confidence motion, which is passed by eight votes in favour and one vote against the motion.

2 Following grounds are raised by the petitioner :-

- (a) The requisition motion was moved on 14.06.2019.
- (b) The notice was issued by the Tahasildar on the same day and the special meeting was convened after 07 days on 21.06.2019.
- (c) The special meeting began at 11:00 am on 21.06.2019. There was no proposer or seconder.
- (d) After the meeting began at 11 O'clock, the meeting was

concluded at 11 O'clock, immediately.

3 It is well settled that the date on which the requisition motion is tendered to the Tahasildar, has to be excluded while calculating seven days. Insofar as the proposer or seconder to the motion is concerned, the learned Full Bench of this Court in *Tatyasaheb Ramchandra Kale vs. Navnath Tukaram Kakde, 2014 (6) Mh.L.J. 804*, has concluded that the said rule is directory in nature and no proposer or seconder is required.

4 As such, the special meeting is conducted within seven days on 21.06.2019. Insofar as the time is concerned, the meeting began at 11 O'clock. The proceedings indicate the entire business transacted in the meeting. There is no evidence that the meeting began at 11 O'clock and concluded also at 11 O'clock.

5 This Writ Petition, being devoid of merit is, therefore, dismissed.