

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 671 OF 2019

Sanjay Sitaram Khilari

..Petitioner

v/s.

The Collector, Satara & Ors.

..Respondents

Mr. Laxman Deshmukh for the Petitioner.

Mr. Vijay Patil a/w. Mr. Siddharth Karpe for the Respondent Nos.3 to 8.

Mr. C.D.Mali, AGP for the State- Respondent nos.1 and 2.

Mr. Tushar Pol, Clerk, Tahsil Office, Maan, present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 23rd JANUARY, 2019.**

P.C.

1. By this petition, the petitioner has challenged Order dated 2nd January, 2019 whereby the Collector, Satara has dismissed Dispute No. 34 of 2018 filed by the petitioner.

2. In the month of August, 2015 the petitioner herein was elected as Sarpanch by Village Panchayat of Shenwadi. The respondent nos.3 to 8 had submitted a notice to the respondent no.2 seeking no confidence motion against the petitioner. The respondent no.2 had

convened a Special Meeting on 3rd October, 2018. In the said meeting total 9 members had attended the meeting and the motion was held against the petitioner by majority of 6:3 votes.

3. The petitioner filed an application being Dispute No. 36 of 2018 before the respondent no.1 challenging the legality and validity of the said resolution in the said meeting dated 3rd October, 2018. The respondent no.1 has dismissed the said application. Being aggrieved by the same, the petitioner has filed this petition under Article 227 of the Constitution of India, 1950.

4. The only ground of challenge in this petition is that the respondent no.1- Tahsildar had not complied with the provisions of Section 35 sub-section 2 of the Maharashtra Village Panchayat Act, 1958 which stipulates that the Sarpanch or UpSarpanch against whom motion of no confidence is moved shall have right to speak or otherwise to take part in the proceedings at the meeting (including right to vote).

5. Having perused the minutes of the meeting dated 3rd October, 2018, a copy of which appears at page 12 (Exhibit C) to the petition, it is seen that the petitioner was present at the meeting. He had

taken part in the proceeding and he had also put forth his contentions.

6. Considering the above, in my considered view, there is no merit in the submission as regards non-compliance of the provisions of Section 35 of the Village Panchayat Act. The petition has no merits and is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)