

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

WRIT PETITION NO.7679 OF 2019

Rajkumar Vishwanath Shinde	.. Petitioner
vs	
The Collector, Solapur & Ors	..Respondents

Mr.Samir Kumbhakoni for Petitioner
Mr.R.P.Kadam Asst Govt.Pleader for State-Respondent

CORAM : NITIN W.SAMBRE, J
DATE : 16 JULY, 2019

P.C

1. The Petitioner, a Sarpanch member of Village Panchayat suffered No confidence motion under section 35 of the Maharashtra Village Panchayat, Act,1958 which proceedings were questioned before the Collector.

2. After the Collector dismissed the proceedings of the Petitioner, the Petitioner went before the Collector who rejected the prayer of the petitioner for setting aside the No confidence motion, as such this Petition.

3. The Motion of no confidence and the order of the Collector

dated 21.6.2019 passed in exercise of the powers under section 35 sub-section 3 (b), learned counsel for the Petitioner submits that the Petitioner was not given an opportunity to address the meeting of the No confidence motion and that the Motion was neither proposed nor seconded. Learned counsel for the Petitioner has placed reliance on Full Bench Judgement in the matter of **VISWAS PANDURANG MOKAL VS GROUP GRAM PANCHAYAT SHIHU & ors reported in 2011 (3) Mh.L.J. 500** so as to substantiate his contention that in absence of the proposer and seconder, the Motion vitiates.

4. A perusal of the minutes of the meeting reflects that the Tahsildar who was the Presiding Officer, offered an opportunity to speak to all those who were present in the meeting. The said step on the part of the Tahsildar in voluminous terms speaks of the opportunity being offered to all those, who were present in the meeting, to address the meeting and it appears that the Petitioner has not chosen to address the meeting. That being so, the said contentions are liable to be rejected.

5. As far as the issue as regards, absence of proposer and seconder to the Motion of no confidence is concerned, out of total strength

of 7 members, including the Petitioner attended the meeting and 6 members have voted against the Petitioner.

6. That being so, claim of the Petitioner that the Motion was neither proposed nor seconded, will hardly be of any assistance as the Motion was passed against the Petitioner unanimously.

7. As far as reliance by the Petitioner on the Judgement of the Full Bench in **VISWAS VS GROUP GRAM PANCHAYAT** supra is concerned, needless to observe that in para 18, the Full Bench has observed that it is not considering the effect of non-compliance of the Rules dealing with No confidence motion.

8. In that view of the matter, Petition fails. Dismissed.

[NITIN W. SAMBRE, J]