

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST.) NO. 11478 OF 2019

Smt. Deepali Ashok Khandekar ... Petitioner
Versus
Shri Raghunath Tukaram Pandhare & Ors. ... Respondents

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Mr. D. S. Pagare, Advocate for Petitioner.
Mr. C. D. Mali, AGP for Respondent Nos. 7 & 8.

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CORAM : S. S. SHINDE, J.
DATE : 12TH APRIL, 2019

P. C. :

Not on board. On mentioning, taken on production board.

2. Only point agitated before this Court is that no separate notice about no confidence motion was given to the petitioner and therefore the proceedings of the said meeting conducted pursuant to common notice given to the members of the Gram Panchayat stands vitiated.

3. Heard learned counsel appearing for the petitioner and learned AGP appearing for respondent Nos. 7 & 8 and their officials

as also perused the order passed by the Additional Collector, Thane. The contention of the learned counsel appearing for the petitioner that no separate notice of no confidence motion was given to the petitioner and therefore proceedings of said meeting stands vitiated can not be accepted. The Division Bench in the case of ***Kathalu Vs. The State of Maharashtra and Ors. [2008 (5) All M.R. 579]*** held that, “merely having reference to Sarpanch and Upa-Sarpanch in one and the same notice should not provide a ground to get the no confidence motion set aside which was passed with sufficient majority. The will of majority in the democratic set-up is required to be given its due weightage. Obviously, there is no doubt that the Sarpanch and the Upa-Sarpanch had lost majority.”

4. In that view of the matter, no case is made out for interference in the impugned order. Accordingly the Writ Petition stands rejected.

(S. S. SHINDE, J.)