

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.201 OF 2019

(AYODHYABAI DINKAR BADHE...VS.. STATE OF MAH.THR.ADDL. COLLECTOR & OTH.)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri M.N.Ali, Advocate for Petitioner.
 Shri Sagar Ashirgade, A.G.P. for Respondent Nos. 1 and 2.
 Shri Tejas S.Deshpande, Advocate for Respondent No.3.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 16, 2019.

Heard.

The petitioner was elected as Sarpanch of Gram Panchayat on 1st September 2015. Six members of the Gram Panchayat (i.e.1/3rd members) gave requisition to the Tahasildar to convene a meeting to consider No Confidence Motion against the petitioner. The Tahasildar issued notice convening meeting for considering the matter of no confidence against the petitioner. The meeting was convened on 6th November 2018. Out of 18 members of the Gram Panchayat (including the petitioner) 14 members attended the meeting and all the 14 members voted in favour of the no confidence motion. The resolution passed in the meeting was challenged by the petitioner before the Additional Collector in appeal, which is dismissed by the impugned order.

The contention of the petitioner is that the grounds on which the removal of the petitioner was sought were mentioned vaguely in the requisition, and she was not served with the notice issued by the Tahasildar to convene the meeting. According to the petitioner, though it is the case of

the respondents that the notice was pasted on the door of the house of the petitioner as she was not available in the village, there is nothing to point out that efforts were made to serve the notice on the petitioner personally as required by Rule 7 of the Maharashtra Village Panchayats (No Confidence Motion) Rules, 1975.

The learned advocate for the respondent No.3 has pointed out that the Additional Collector has dealt with all these factual aspects in the penultimate paragraph of the impugned order.

I find substance in the submission made by the learned advocate for the respondent No.3 and I see no reason to interfere with the findings of fact recorded by the learned Additional Collector, and the impugned order does not warrant any interference.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

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