

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2241/2019

Tirupati Hemraj Rane Vs. Khushal Rakhdu Bhelave and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A.A.Dhawas, Advocate for petitioner.
Mrs. Mrunal Naik, AGP for R.Nos. 7 and 8.

CORAM : A.S.CHANDURKAR, J.

DATE : March 22, 2019

The petitioner challenges the motion of no confidence passed against him on the ground that despite having discharged duties as Up-Sarpanch in a satisfactory manner, he has been removed on vague allegations. It is stated that the motion was moved against the petitioner on the ground that his behavior with other members was not satisfactory and that he was not discharging duties as Up-Sarpanch to the satisfaction of the others. The motion has been passed by 2/3rd majority.

It is submitted by the learned counsel for the petitioner that without sufficient cause the said motion was moved against the petitioner. There was non compliance with the provisions of Rule 2 of the Maharashtra Village Panchayat (Meetings) Rules, 1959 and on that count the motion was vitiated.

After hearing learned counsel for the petitioner, it is found that the Collector has recorded a finding that after due compliance of all statutory requirements the said special meeting was held. The petitioner participated in that meeting and furnished his explanation. It is thereafter that the said motion came to be duly moved. The alleged breach of Rule 2 of the Meetings Rules has not been found to have vitiated the entire proceedings. The petitioner having lost confidence was not entitled to continue as Up-Sarpanch. Hence, there is no reason to interfere with the said motion of no confidence. The writ petition is dismissed. No costs.

JUDGE

Andurkar.