

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

Writ Petition No.4283/2019

Sau.Pushpalata w/o Sidharth Meshram Vs The Collector, Gondia 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 R.M.Wasnik, Advocate for petitioner.

Mrs. M.A.Barabde, Assistant Government Pleader for respondent nos. 1 and 2.

CORAM : A.S.CHANDURKAR, J.

DATED : October 18, 2019

Motion of no confidence has been passed against the petitioner who was holding the post of Sarpanch. Out of twelve members of the Gram Panchayat, ten members voted against the petitioner as a result of which the said motion was held to have been passed. The appeal preferred by the petitioner has been dismissed by the Collector on the ground that the said motion was passed by more than two third members after following the due procedure. That order is challenged in the present writ petition.

Shri R.M.Wasnik, learned counsel for the petitioner submits that the provisions of Rule 2(2) of the Maharashtra Village Panchayats Sarpanch and Upa-Sarpanch (No-Confidence Motion) Rules 1975 (for short, 'the said Rules') have been violated as the notice issued was not accompanied by nine additional copies of the motion and the Tahsildar did not send one copy to the Sarpanch. He therefore submits that the Collector committed an error in dismissing the appeal as filed.

On the other hand, Mrs. M.A.Barabde, learned Assistant Government Pleader supported the impugned order.

The provisions of Rule 2(2) of the said Rules have been held to be directory not mandatory. The decisions in *Arjun Sambhaji Khade and others Vs. Mangal Ankush Kharmate and others, 2003(2) MH.L.J. 295* and *Yamunabai Laxman Chavan and othes Vs. Sarubai Tukaram Jadhav and others, 2004(2) Mh. L.J. 1004* indicate that even if additional copies are not furnished, the same would not vitiate a motion of no confidence that has been passed by the requisite majority.

In that view of the matter, there is no reason to interfere in writ jurisdiction. The writ petition is therefore dismissed. No costs.

JUDGE

Andurkar