

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

WRIT PETITION NO. 5800/2019

Nandabai S. Hade

..VS..

Anil S. Karwande & ors.

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

Court's or Judge's orders

Shri R.G. Kavimandan, Advocate for the petitioner
Ms. D. Sapkal, Advocate for the respondent no. 8
Shri P.S. Kubhalkar, Advocate for the respondent no. 10
Ms. Shamsi Haider, AGP for the respondent/State

CORAM : Z.A.HAQ, J.

DATED : 22/08/2019

Heard.

By the impugned order, the Additional Collector has dismissed the appeal filed by the petitioner under Section 35 (3B) of the Maharashtra Village Panchayats Act, 1958. Out of 13 members of the Gram Panchayat (including the petitioner who is Sarpanch of the Gram Panchayat), 10 members voted in favour of the No-Confidence Motion moved against the petitioner.

According to the petitioner, notice of the meeting convened for considering the No-confidence motion was not served as per Rule 2 (2-B) of Maharashtra Village Panchayats Sarpanch and Up-Sarpanch (No-Confidence Motion) Rules 1975, and therefore the resolution passed in the meeting cannot be given effect to, it being illegal and void *ab initio*. To support the contention about non-service of notice of the

meeting held on 10/06/2019, the learned advocate for the petitioner relied on the averments in para no. 7 of the memorandum of appeal which was filed before the Additional Collector.

After going through the memorandum of appeal, I find that the petitioner tactically avoided to come out with definite stand about her presence or absence in the village during the relevant period. The learned Additional Collector has recorded finding of fact that the documents on record show that notice of the meeting held on 10/06/2019 was served on the petitioner. As I find that the petitioner has not been able to show that the finding of fact recorded by the Additional Collector is patently illegal or perverse, I see no reason to interfere with the impugned order.

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

JUDGE

Ansari