



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

WRIT PETITION NO. 3473 OF 2023

(SHITAL GAJANAN BHISE ..VS.. DISTRICT COLLECTOR, YAVATMAL & OTH.)

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

Court's or Judge's orders

Shri A.S.Deshpande, Advocate for Petitioner.
Shri N.R.Patil, A.G.P. for Respondent Nos. 1 and 2.
Shri G.N.Shinde, Advocate for Respondent No.3.
Shri S.V.Deshmukh, Advocate for Respondent Nos. 5, 6, 8, 11 to 13 & 15 to 18.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 21, 2023.

1. Heard.
2. This matter pertains to No Confidence Motion passed against the petitioner as Sarpanch of Gram Panchayat, Fulsavangi, Tahsil : Mahagaon, District : Yavatmal. The only ground raised in the present petition is that the petitioner is resident of House Property No. 951/2 and the notice was served on the mother-in-law of the petitioner who resides in House No.951. It is, therefore, submitted that it is in violation of Rule 2(2-B) of the Bombay Village Panchayats Sarpanch and Up-Sarpanch (No Confidence Motion) Rules, 1975.
3. After going through the record, more particularly the document showing that the notice of No Confidence Motion was served upon the mother-in-law of the petitioner, it is evident that it does not show that the notice was served on the mother-in-law at her house i.e. House No.951. On the contrary, the endorsement shows

that the concerned Kotwal went to the house of the petitioner where he did not find the petitioner and therefore, he served the notice on the mother-in-law of the petitioner.

4. There is no dispute that the House No.951 stands in the name of Ananda Bhise and House No.951/2 stands in the name of husband of the petitioner i.e. Gajanan Bhise and both the houses are adjacent to each other.

5. There are no pleadings that when the notice was served on the mother-in-law she was not at the house of the petitioner but she was at the house of Ananda Bhise.

6. Hence, there is nothing to arrive at a different conclusion than that the Kotwal went to the house of the petitioner and served the copy of the notice on the mother-in-law of the petitioner after finding that the petitioner was not there.

7. The Rules permit the service of notice on any adult member of the family if the concerned Sarpanch or Up-Sarpanch is not available for service of notice of No Confidence Motion.

8. In the circumstances, I do not find any violation of any of the Rules as regards the service, therefore, no interference is required in the order dated

17/05/2023 passed by the Additional Collector upholding the No Confidence Motion passed by 15 members out of total 17 members, against the petitioner as Sarpanch.

Accordingly, the Writ Petition is **dismissed**. No order as to costs.

JUDGE

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