



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

WRIT PETITION NO. 4853 OF 2023

(SANJIVANI DNYANESHWAR KAYANDE ..VS.. ADDITIONAL COLLECTOR, BULDHANA & OTH.)

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

Court's or Judge's orders

Shri Tejas Deshpande, Advocate for the Petitioner.
Ms M.A.Barabde, A.G.P. for Respondent Nos. 1 and 2.
Shri P.S.Patil, Advocate for Respondent Nos. 3 to 5, 7, 9, 11 to 14.

CORAM : ANIL S. KILOR, J.
DATED : SEPTEMBER 15, 2023.

1. Heard.
2. The No Confidence Motion passed against the petitioner by majority on 22/06/2023 was the subject matter of challenge before the Additional Collector, who vide order dated 27/07/2023 rejected the application filed by the petitioner challenging the said No Confidence Motion dated 22/06/2023. Hence, this writ petition.
3. The only ground, which the learned counsel for the petitioner has argued, is that no notice was served upon the petitioner and the notice on which the respondents are relying upon to show that it was served upon the petitioner, the signature on the said notice is not of the petitioner but it is forged one. In support of his contention Shri Deshpande, learned counsel for the petitioner has drawn attention of this Court to the Handwriting Expert's Report dated 01/09/2023, which is filed first time before this Court.

4. No doubt, the Handwriting Expert supports the case of the petitioner, however, such report is not binding upon the Authorities or on this Court unless the fact of forgery is established and proved before the Competent Court.

5. Thus, in absence of any such proceedings filed by the petitioner or any such declaration given by the Competent Court, it is difficult to rely upon such Handwriting Expert's Report, which is merely an opinion of the expert.

6. Thus, from the available record, there is nothing to show that the service of notice was not made on the petitioner.

7. In the circumstances, I do not find any merit in the present writ petition, accordingly it is **dismissed**. No order as to costs.

8. However, considering the report of the Handwriting Expert and the contention of the petitioner that the signature on the notice is not of the petitioner and it is forged one, liberty is granted to the petitioner to file appropriate proceedings for such declaration, if she so desires. In the event of filing of any such proceedings, the result of the subsequent elections would be subject to the outcome of such proceedings.

JUDGE