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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.8368 OF 2024

Goraksha R. Jadhav

...Petitioner

V/s.

Tanaji G. Jadhav & Ors.

...Respondents

Mr.Vivek Punjabi for the Petitioner.

Mr.K.S. Amin, AGP for the State – Respondent Nos.18 and19.

Mr.Pratik B. Rahade for Respondent Nos.1 to 13.

CORAM : AVINASH G. GHAROTE, J.

DATE : 12TH JUNE, 2024.

P.C. :-

1. Heard Mr.Punjabi, learned counsel for the petitioner.

The petition questions the order dated 18.5.2024 passed by the

learned Additional Collector in exercise of the power under

section 35(3-B) of Maharashtra Village Panchayat Act (MVP

Act) whereby the challenge to the no confidence motion passed

against the petitioner has been turned down. There are two basic

challenges raised by the petitioner that one of the voters viz.

Sangita Borade was threatened by the other side and by undue influence and coercion and political pressure forced to vote in favour of no confidence motion and the second that respondent no.13 was not eligible to vote on account of non-submission of validity certificate.

2. Mr.Rahade, learned counsel for respondent nos.1 to 13 and respondent nos.18 and 19 supports the impugned order contending that the grounds which are raised are not tenable.

3. The Grampanchayat Shinde, taluka and district Nashik has 17 members, out of which 13 have voted in favour of no confidence and four against in the meeting held on 19.3.2024. The allegations of undue influence, coercion are the allegations which cannot be entertained by the Additional Collector under section 35 (3B) of the MVP Act as the enquiry is of summary nature and does not permit leading the evidence so as to establish these allegations. So also the contentions that the political pressure was used is an allegation which is not entertainable by the Additional Collector while conducting an enquiry. In a democratic set up a person who has been duly

elected and represents the electorate, is presumed to be independent and having the courage to withstand any pressure of any kind. Even otherwise all these allegations are something which cannot be established without leading evidence. The plea that one of the members of the Grampanchayat viz. Sangita Borade was kidnapped is based upon a complaint filed by her son on 16.3.2014, however, what is material to note is that the said lady has not filed any complaint whatsoever till date in this regard which belies the very fact of filing the complaint.

4. The next contention is about the in-eligibility of respondent no.13 to participate in the meeting on account of absence of validity certificate issued by the Caste Scrutiny Committee, in which context it is necessary to note that the state has passed Government Resolution on 14.8.2023 extending the period for submission of validity till August 2024. I do not see any reason to interfere in the impugned order. The petition is therefore dismissed. No costs.

(AVINASH G. GHAROTE, J.)