

VASANT
ANANDRAO
IDHOL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10122 OF 2024

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Tejaswini Santosh Watharkar ...Petitioner
Versus
State Of Maharashtra Through, Principal
Sec. Rural Development Dept And Ors ...Respondents

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Mr. Dhairyasheel Sutar, with Ms. Anjali Shaw & Ms. Latika Kabad, for
the Petitioner.

Ms. V. R. Raje, A.G.P. for the Respondent – State.

Mr. Dheeraj D. Patil, for Respondent No.4.

Mr. Drupad S. Patil, for Respondent Nos. 5 to 8, 10, 12, 13, 16 & 17.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 24th JULY, 2024

P.C.:

1. The petition questions the order dated 18.06.2024 passed by the respondent No.2 , rejecting the challenge, raised by the present petitioner to the validity of the meeting of no confidence dated 18.10.2023 held against the petitioner and the resolution passed therein.

2. Mr.Sutar, the learned counsel for the petitioner

submits that no notice of the agenda of the meeting was served upon the petitioner, on account of which the entire proceedings, held in the meeting dated 18.10.2023 stand vitiated, on account of which the resolution dated 18.10.2023 by which no confidence motion was passed against the petitioner, is required to be quashed and set aside.

3. The Grampanchayat Wathar, comprises of 15 persons, of which, the petitioner was the Sarpanch. Notice of no confidence signed by 13 members, was given to Tahsildar on 16.10.2023 (page 20), in pursuance to which by a notice dated 18.10.2023, the Tahsildar directed convening of the meeting to consider the motion of no confidence on 25.10.2023, in which by a majority of 13 : 1, the motion came to be passed.

4. The contention of the learned counsel for the petitioner that the notice dated 18.10.2023 was not served upon the petitioner, is belied from the fact, that the petitioner was present in the meeting dated 25.10.2023 and had not raised any objection therein, regarding absence of service of notice dated 18.10.2023. Not only that, the minutes of the meeting dated 25.10.2023, (page 26-A), indicates, that the petitioner was

prepared with the answers to the contents of the notice of motion, which is reflected from what has been recorded therein, which would indicate that not only was the petitioner served with notice dated 18.10.2023, but was also aware of the agenda. It therefore does not lie in the petitioner to say that she was not served with the notice dated 18.10.2023 or was not aware of the agenda.

5. The further contention that there is difference between the subject of the notice of no confidence dated 16.10.2023 (page 20) and the agenda which was the subject matter of the meeting dated 25.10.2023 is also incorrect, for the reason that the notice dated 18.10.2023 (page 21) merely convenes the meeting, on the basis of the notice dated 16.10.2023 and nothing else. What has been recorded as to the discussion, held in the meeting dated 02.10.2023, are the grievances of the members regarding the functioning of the petitioner, in which specific instances have been cited and after giving the petitioner an opportunity to air her views, the motion has been passed, as indicated above.

6. It would therefore, be apparent that the entire

procedure as contemplated under Section 35 of the Maharashtra Village Panchayats Act and in The Bombay Village Panchayats Sarpanch And Up-Sarpanch (No Confidence Motion) Rules, 1975 stands complied with.

7. In the light the aforesaid discussion, I do not see any ground made out for interfere, the petition is therefore dismissed.
No costs.

(AVINASH G. GHAROTE, J.)