

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.18876 OF 2024

Jyotsna Yuvraj Patil

... Petitioner

V/s.

State of Maharashtra and ors.

... Respondents

Mr. Rahul P. Kasbekar, Advocate for the Petitioner.

Mr. Subhashchandra Pawar with Ms. Shobhita Jadhav, Mr. Suryajeet Ravrane, Mr. Harshwardhan Gaikwad and Ms. Namrata Kondavale, Advocates for the Respondents No. 5 to 13.

Ms. Aloka A. Nadkarni, AGP for the State.

CORAM : SANDEEP V. MARNE, J.

Dated : 31 January, 2025.

P.C. :

1. The Petition challenges order dated 25th November, 2024 passed by the Collector, Kolhapur rejecting the dispute application preferred by the Petitioner relating to adoption of No Confidence Motion against her in the meeting of the village panchayat held on 21st October, 2024.

2. I have heard Mr. Kasbekar, learned counsel appearing for the Petitioner, Mr. Pawar, learned counsel appearing for Respondents No.5 to 13 and Ms. Nadkarni, learned AGP appearing for the State.

3. The main point canvassed by Mr. Kasbekar is about incomplete quorum for holding of special meeting on 21st October, 2024. He would rely upon the attendance register maintained in Gram Panchayat office, copy whereof is placed at page 58 which shows that out of the total eleven members only two members were present for the meeting and rest nine were absent. He would therefore submit that there was no quorum for the special meeting convened for discussion of No Confidence Motion on 21st October, 2024. However, it appears that the Petitioner in her capacity as Sarpanch had herself convened another meeting of Gram Panchayat on 21st October, 2024 at 10.00 a.m. though the Tahasildar had issued notices to the members on 15th October, 2024 for convening a special meeting for discussion of No Confidence Motion at 10.30 a.m. on 21st October, 2024. There is every reason to believe that the Petitioner was wind of the fact that majority of the members had submitted a complaint to the Tahasildar for adoption of No Confidence Motion and that the Tahasildar had convened a special meeting at 10.30 a.m. on 21st October, 2024. In order to create a confusion, the Petitioner issued a separate notice on 15th October, 2024 for convening another meeting of the Panchayat thirty minutes earlier i.e. at 10.00 a.m. on 21st October, 2024. In the meeting so shown to have been convened at 10.00 a.m. on 21st October, 2024, attendance of the members was recorded reflecting that only two out of eleven members attended the said meeting convened on 10.00 a.m. So far as the special meeting conveyed by the Tahasildar at 10.30 a.m. on 21st October, 2024 is concerned, the same was attended by all the eleven members of the Panchayat and the resolution for No Confidence Motion is adopted by 2/3 rd members present and voting.

4. Thus, the Petitioner deliberately created a confusion by convening monthly meeting of the Gram Panchayat thirty minutes prior to holding of special meeting for discussing No Confidence Motion against her. This was done only for the purpose of creation of confusion so that she could rely upon the attendance register of the another meeting held at 10.00 a.m. on 21st October, 2024 which was attended by only two members. Petitioner has attempted to mislead this Court by inviting its attention to the attendance register in respect of alleged meeting of 10.00 a.m. to show defect in the meeting of No Confidence Motion held at 10.30 a.m. by Tahasildar. This conduct on the part of Petitioner does not appeal to this Court and is clearly deplorable.

5. I have gone through the order passed by the Collector who has recorded a finding of the fact that out of eleven members present and voting, nine members voted in support of resolution of adoption for No Confidence Motion. The special meeting for adoption of No Confidence Motion was attended by the Tahasildar himself. In such circumstances, convening another meeting thirty minutes prior to the special meeting which was supposed to be attended by Tahasildar himself by the Petitioner is clearly deplorable and actually deserves imposition of costs on the Petitioner. I therefore, do not find any valid reason for interfering in the order passed by the Collector.

6. Reliance by Mr. Kasbekar on judgment of this Court ***Shivkant Haribhau Bangar Vs. Gramsevak, Mauje Ratnapur and ors.***¹ does not assist the case of the Petitioner in any manner. I am not able to place any error

¹ 2010(6) Mh.L.J. 149

or irregularity in the procedure adopted in conduct of the meeting. Therefore, the judgment would have no application to the facts of the present case.

7. The Writ Petition is accordingly rejected.

8. This Court would have imposed cost on the Petitioner for her deplorable conduct creating a confusion by deliberately convening monthly meeting of the Gram Panchayat thirty minutes before the special meeting which was supposed to be conducted by Tahasildar. However, considering the position that the Petitioner has already lost the position of Sarpanch, the costs in the Petition are made easy.

9. After the order is pronounced, Mr. Kasbekar requests for continuation of ad-interim relief granted by this Court on 17th December, 2024. However, considering the objectionable conduct of the Petitioner in attempting to mislead this Court by relying upon attendance register of another meeting mischievously shown to have been convened 30 minutes before the meeting convened by Tahasildar, I am not inclined to continue the ad-interim order any further. The prayer for continuation of the interim order is accordingly rejected.

(SANDEEP V. MARNE, J.)