



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO. 5726 of 2026

Sau. Triveni w/o Manoj Poharkar

vs.

The State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr.S.R.Puddatwar, Advocate for petitioner.

Mr. A. J. Gohokar,A.G.P for respondent nos. 1 to 3.

Ms Nimisha N.Dighe, Advocate h/f Mr. M. I.Dhatrak, Advocate for respondent no.4.

Mr. Pritesh Atkar, Advocate for intervenors/applicants/respondents.

CORAM :- ANIL S. KILOR and RAJNISH R. VYAS, JJ.

DATE :- 17th AUGUST, 2026.

Heard the learned counsel for the respective parties.

2. In the present petition, a motion of no confidence was passed against the petitioner as President of Nagar Panchayat, Lakhani, District Bhandara, is under challenge on the ground that no hearing was granted and there is a violation of principles of natural justice.

3. Admittedly, in the meeting held for discussion on motion of no confidence, total 14 elected councilors and 2 nominated councilors were present at 12 noon on 07.07.2026. The petitioner and other two councilors were absent. In the said meeting the motion was passed against the petitioner by fourteen/zero votes(14/0 votes).

4. The petitioner did not attend the meeting though he had an opportunity to defend his side by giving explanation to the allegations, if any, made against him. Furthermore, it is not the case that notice of meeting was not received by him.

5. In the above referred backdrop, the argument made by the petitioner on the first date before this Court on 30.07.2026 that as

stipulated under Section 55 A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (for short, 'the Act of 1965'), hearing was not granted to the petitioner.

6. Whereas, it is pointed out by the learned counsel for the intervenors/respondents that the said provision is not applicable in case where the President is removed after passing no confidence motion and it is applicable only when the Government removes the President or Vice President on the charges of misconduct.

7. Admittedly, this is not the case where the Government removed the petitioner on a charge of misconduct.

8. In the circumstances, Section 55 A of the Act of 1965 will not apply to the facts of this case. Therefore, there is no question of grant of hearing to the petitioner.

9. Since the resolution of no confidence was passed against the petitioner with 2/3rd majority, it is evident that the majority is not with the petitioner. In a democratic set up the President, who has lost confidence of the majority, cannot be permitted to continue except any patent illegality is pointed out in removal.

10. Having observed so, as the petitioner has no case on merit, the petition is dismissed.

11. The civil application, if any, stands also disposed of.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

Andurkar.