

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10447 OF 2021

Mukesh Eknath Chavan

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. G. Chapalgaonkar, Advocate h/f Shri R. B. Ade, Advocate for the Petitioner.

Shri A. R. Kale, A.G.P. for Respondent Nos. 1 to 3.

Shri S. S. Thombre, Advocate for the Intervenors.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 05TH OCTOBER, 2021.

FINAL ORDER :

. We have heard Mr. Chapalgaonkar, the learned advocate for the petitioner, Mr. Kale, the learned Assistant Government Pleader for respondents/State and Mr. Thombre, the learned advocate for the intervenors.

2. The petitioner is elected as Upa-Sarpanch of Gram Panchayat Kachaner on 08th February, 2021. No confidence motion is proposed against the petitioner and for the same purpose meeting was scheduled to be convened on 20th September, 2021. The present petition is filed on the premise that as per Sub Section 3 of Section 35 of the Maharashtra Village Panchayat Act, no confidence motion cannot be moved within a period of two years from the date of election of the Upa

Sarpanch. The petitioner's term is upto 2025.

3. The affidavit is filed by the Tahsil Office admitting that the no confidence motion cannot be moved against the Upa-Sarpanch within a period of two years from the date of election.

4. The provision of Sub Section 3 of Section 35 of the Maharashtra Village Panchayat Act is explicitly clear and admit of no ambiguity. The literal interpretation is unambiguous. No confidence motion cannot be held for a period of two years from the date of election. On 20th September, 2021, we had observed that, no confidence motion scheduled on 20th September, 2021 may proceed further. If the resolution of no confidence motion is passed against the petitioner, same shall not be effective till the next date.

5. In the light of the clear provisions of law, the impugned no confidence motion proceedings against the petitioner are quashed and set aside. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]