

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

928 WRIT PETITION NO.12922 OF 2021

**VAIBHAV ASHOKRAO TAYDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr.S.K.Savangikar
I/c.GP for Respondent-State : Mr.D.R.Kale

...

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

DATE : 25.11.2021

P.C. :

1] Mr.Savangikar, learned counsel for the petitioners submits that 2/3rd members of the Panchayat had moved requisition to the Tahsildar for convening meeting of no confidence motion against the Sarpanch. However, on 30.09.2021, the Tahsildar abruptly without assigning any reason adjourned the said meeting. Learned counsel submits that when 2/3rd majority of the members has moved for convening no confidence motion and meeting was scheduled on 1st October, 2021, learned Tahsildar did not possess authority to postpone the said meeting.

2] Learned AGP submits that no confidence motion was convened before lapse of 2 years the sarpanch was elected. The Tahsildar, as such, was well within his powers

not to convene the meeting in view of fourth proviso to sub-section (3) of Section 35 of the Maharashtra Village Panchayats Act [for short 'the Act'].

3] We have considered the submissions.

4] The 2/3rd majority of the members of the Grampanchayat possessed the right to make requisition to the Tahsildar to convene the meeting for discussing no confidence against Sarpanch as contemplated in sub-section (1) of Section 35 of the Act. However, fourth proviso to sub-section (3) of Section 35 of the Act puts embargo to convene such meeting before lapse of 2 years from the date of Sarpanch is elected. In the present case, Sarpanch is elected on 18th January, 2021.

5] In view of that, the meeting of no confidence could not have been convened. The impugned communication does not suffer from vice of illegality.

6] In the light of that, the Writ Petition is dismissed. No costs.

[R.N.LADDHA, J.]

[S.V.GANGAPURWALA, J.]