

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

WRIT PETITION NO.4764 OF 2022

Janardhan Ganpat Mohite

..... Petitioner

Vs.

The Grampanchayat, Palasgaon
Through Gramsevak & Ors.

..... Respondents

Mr. Vaibhav Gaikwad for the Petitioner

Mr.S.S.Panchpor, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : APRIL 20, 2022

P.C.

1. The Petitioner is directly elected Sarpanch. Motion of no confidence was moved against the Petitioner. There are 7 members of the Gram Panchayat including the Petitioner. All members of the Gram Panchayat unanimously passed the motion of no confidence. Petitioner being directly elected Sarpanch, no confidence motion was required to be ratified by the Gramsabha. Gramsabha, by majority has ratified the motion of no confidence.

2. The learned Counsel for the Petitioner submits that Gramsabha is also required to ratify the motion of no confidence by 2/3rd majority. In the present case, in the meeting of Gramsabha, 246 persons voted in favour of the motion of no confidence and 170 did not support the motion of no confidence. As 2/3rd members of the Gramsabha do not support the motion of no confidence, it cannot be said that the motion of no confidence is ratified by the Gramsabha. The analogy as is applicable to the motion of no confidence passed by the members of the Gram Panchayat would also apply for Gramsabha.

3. We have heard the learned A.G.P. also.

4. The provision of the statute is unambiguous. Under section 35(1A)(a) & (b) of the Maharashtra Village Panchayats Act, 1959, if Sarpanch is directly elected from the village then the motion of no confidence passed by 2/3rd majority of the members of the Gram Panchayat has to be ratified by the Gramsabha. The members of the Gram Panchayat, by 2/3rd majority passed the motion of no confidence against the Petitioner. Same was placed before the Gramsabha for ratification. Gramsabha, by majority, ratified the motion of no confidence. If the contention of the learned Counsel for the Petitioner is accepted that the Gramsabha should ratify the motion of no confidence by 2/3rd majority, then the same

would be reading into the provision not provided for. The provision is unambiguous and does not admit of any ambiguity. The literal interpretation is the rule. The courts cannot add or subtract from the provision. If the clause of 2/3rd majority as is provided for the members of the Gram Panchayat is read into Gramsabha then that would do violence to the provision and the same can not be permitted.

5. In the light of the above, Writ Petition is dismissed. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)