



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 798 OF 2024

Monika Mahendra Patil,
Age : 29 Years, Occ. Household,
R/o. Pimpri Bu. Pra. Bh. Tq. Pachora,
Dist. Jalgaon' ..Petitioner

VERSUS

1. The State of Maharashtra,
District Collector, Jalgaon
2. Tahsildar, Pachora,
Tq. Pachora, District Jalgaon
3. Gramsevak, Gampanchayat Pimpri,
Bu. Pra. Bh. Tq. Pachora, District Jalgaon.
4. Smt. Bhagabai Baliram Patil,
Age : Major, Occ. Household,
5. Smt. Jyoti Ravindra Patil,
Age : Major, Occ. Household
6. Smt. Vimalbai Pandu Patil (Sonawane)
Age : Major, Occ. Agriculture
7. Smt. Sunita Raju More,
Age : Major, Occ. Household
8. Dhanraj Kailash Patil,
Age : Major, Occ. Agriculture
9. Balasaheb Walimk Patil,
Age : Major, Occ. Agriculture
10. Raju Daulat More,
Age : Major, Occ. Agriculture

11. Arjun Dashrath Sonawane,
Age : Major, Occ. Agriculture
Respondent Nos. 4 to 11 are
R/o. Pimpri Bu. Pra. Bh. Tq. Pachora,
Dist. Jalgon. .. Respondents

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Advocate for the Petitioner : Yogesh Murlidhar Patil
AGP for Respondent Nos. 1 to 3 : Mrs. M.L. Sangit
Advocate for Respondent Nos. 4 to 11 : Mr. Paresh B. Patil
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CORAM : S. G. MEHARE, J.
DATE : 02.02.2024

PER COURT :

1. Not on board. Taken on board. It was listed on yesterday's board.
2. Heard finally by consent of the learned counsel for the parties.
3. The petitioner was the Sarpanch. The majority members of the village Panchayat Pimpri Bu. Taluka Pachora, District Jalgaon had moved a representation to the Tahsildar for 'no confidence motion' under Section 35(1) of the Maharashtra Village Panchayats Act, 1959 (for short, "the Act"). Respondent No.2/the Tahsildar issued the notice and convened a special meeting for no confidence on 30th June 2023. The no confidence motion was passed by majority of 1/8th.

4. The petitioner had preferred an application under Section 35(3) of the Act before the Collector Jalgaon, on the ground that the no confidence meeting was illegal. The no confidence motion could not be moved for the reasons for which it was moved. The Tahsildar did not verify the allegations. The resolution was passed without discussion. The entire members of the village panchayat were not served with the notice. The notice of no confidence motion was not served upon the petitioner.

5. The Collector discarded the grounds and held that the resolution passed against the petitioner was legal, proper and correct. Against the said order, the petitioner is before this Court.

6. The learned counsel for the petitioner would submit that the proceeding of the meeting was not properly conducted. The reason for moving the 'no confidence motion' was irrelevant and not material. The Collector did not consider the grounds raised before it and passed a mechanical order. It is a politically motivated action. The subject mentioned in the notice of meeting ought to have been considered. Passing such a resolution is affecting confidence of the voters. The

resolution was not legally proper and correct. Hence, petition may be allowed.

7. The learned counsel for respondent Nos. 4 to 11 appeared on caveat and strongly opposed the petition. He submits that the only test for no confidence motion is voting by majority. The notice was duly served upon the petitioner. He had participated in the meeting. The present respondents had received the notice of no confidence motion. The resolution was passed by majority. The petitioner had lost the confidence of the members; hence, subject and allegations against the petitioner were not the matter for discussion. The resolution was passed by following the procedure of law. There was no substance in the petition. Hence, the Collector correctly dismissed the petition.

8. The learned AGP for Respondent Nos. 1 and 2 supported the contention of respondent Nos. 4 to 11 and submitted that the Collector did not commit any error of law.

9. The record reveals that the notice of 'no confidence motion' was served upon the petitioner. The petitioner had participated in the

meeting. The resolution was passed by majority of 3/4 as required under the said section. The law is well settled that voting by majority is a Rule in case of no confidence. The discussion of the allegations and the grounds on which the no confidence motion has been moved is not the prerequisite condition for deciding the legality and validity of the no confidence motion. The record reveals that notice of no confidence was served upon the petitioner and meeting was convened as prescribed under Section 35 of the Maharashtra Village Panchayats Act. The impugned order of the Collector is well reasoned. He has considered each and every objection of the petitioner and correctly held that the meeting was held as per Section 35(3) of the Maharashtra Village Panchayats Act, 1958. The resolution was passed by 3/4 majority as required under the law. There is nothing wrong in the order of the Collector, Jalgaon.

10. After having gone through the objections raised and reasons given by the Collector, Jalgaon in the impugned order, the Court is of the view that there is no substance in the petition. Hence, it deserves to be dismissed. Hence, the following order

ORDER

(1) The petition stands dismissed.

(2) No order as to costs.

All pending civil application stand disposed of.

(S. G. MEHARE)
JUDGE

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