



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17148 OF 2024

Vijaya Sanjay Patil.

...Petitioner.

Versus

State of Maharashtra and Others.

...Respondents.

Mr. Sharad T. Bhosale for the Petitioner.

Mr. Kalpesh Patil for the Respondent No. 5 to 12.

Ms. V. R. Raje, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : November 25, 2024.

P. C. :

1. Not on board. Upon mentioning, taken on production board.
2. The petition was moved urgently as the No-Confidence Motion was passed against the Petitioner and election for the post of Sarpanch are scheduled to be held on 26th November 2024. Considering the urgency, with the consent of learned counsel appearing for the respective parties, petition is taken up for final disposal.
3. Heard Mr. Bhosale, learned counsel appearing for the Petitioner, Mr. Patil, learned counsel appearing for the Respondent No.5 to 12 and Ms. Raje, AGP for the Respondent-State.
4. By this petition, exception is taken to the order dated 15th October 2024 passed by the Collector, Satara in Gram Panchayat

Dispute Application No.35 of 2024 and the Resolution dated 20th August 2024 passed by the members of Gram Panchayat Harphalwadi, Taluka Karad, District Satara.

5. Facts of the case are that the Petitioner was elected as Sarpanch of Gram Panchayat Harphalwadi, which consists of 9 members. On 13th August 2023, 8 members moved No-Confidence Motion against the Petitioner before the Tahsildar. Notices came to be issued to the members of Gram Panchayat for the purpose of holding special meeting of the Gram Panchayat on 20th August 2024 for voting on the No-Confidence Motion. On 20th August 2024, the said motion was carried with the majority of 8:1. The same came to be challenged before the Collector, Satara under Section 35 of the Maharashtra Village Panchayat Act and by the impugned order dated 15th October 2024, the Collector dismissed the application and confirmed the No-Confidence Motion.

6. Learned counsel appearing for the Petitioner would submit that the specific ground on which the No-Confidence Motion was challenged was that some of the members of Gram Panchayat were not qualified to sit and vote at the said meeting as in respect of those members, Gram Panchayat Disputes were filed seeking their disqualification under Section 14 of the Village Panchayat Act. He would further submit that there was no valid reason for passing of the

No-Confidence Motion and appropriate explanation was tendered by the Petitioner.

7. *Per contra* learned counsel appearing for the Respondent No. 5 to 12 would submit that the requisition was made by 2/3rd number of members and was passed by 3/4th majority and thus there is satisfaction of statutory provision. He would further submit that it is not necessary for this Court to go into the validity of reasons for the No-Confidence Motion.

8. I have considered the submissions and perused the records.

9. Before the Collector, challenge to the No-Confidence Motion was on various grounds, such as, non service of notices, absence of certain members stated to have signed the minutes of meeting, the validity of reason for passing No-Confidence Motion and some of the members being disqualified and thus not entitled to sit and vote at the meeting

10. As far as the reason of notice having not been received by the Petitioner, the resolution on record shows the presence of present petitioner at the meeting as well as the resolution being signed by the members of Gram Panchayat. The Tahsildar's report which is considered by the Collector states that the notice was served in his presence upon the Petitioner and that all the members were present in the special meeting held on 20th August 2024 and the No-Confidence

Motion was carried with majority of 8 members.

11. The Collector has considered the relevant statutory provisions, i.e, Section 35(1) and 35(3) of the Maharashtra Village Panchayat Act and has taken into consideration that requisition was made by the requisite 2/3rd members and was carried with the majority of more than 3/4th members. Relying upon the records produced for consideration before him, the Collector has held that the notices were duly served and the presence of members of Gram Panchayat was evidenced from the minutes of meeting.

12. As far as submission of Mr. Bhosale as regards the disqualification of some of the members in respect of whom the dispute application is pending is concerned, perusal of the copies of those proceedings annexed to the petition would indicate that the Gram Panchayat dispute has been filed on 27th September 2024 by the husband of present Petitioner after the No-Confidence Motion was passed in the meeting held on 20th August 2024. Be that as it may. The said dispute application will met its own fate. However, when the special meeting was held, there was no Dispute Application pending and therefore members of the Gram Panchayat were entitled to sit and vote at the special meeting. The Collector has taken into consideration the relevant factors and as the No-Confidence Motion has been passed by the requisite number of members, has rightly rejected the

application. No statutory provision has been pointed out to this Court which would empower the Collector to go into the validity of reasons for passing the No-Confidence Motion.

13. In the light of above, there is no merit in the petition. Petition stands dismissed.

[Sharmila U. Deshmukh, J.]