



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 5430 of 2024

Sachin Muniral Bhillam

Versus

The Additional Collector, Nagpur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B.S.Dhandale, Advocate for the petitioner.

Ms. M.A.Barabde, AGP for the respondent/State.

Shri V.G.Dhage, Advocate for the respondent nos. 4 to
7.

CORAM : N.R.BORKAR, J.

DATED : 7th OCTOBER, 2024.

This petition takes exception to the order dated 14th August, 2024 passed by the Respondent No.1-Additional Collector, Nagpur in Dispute Case No. 40/MVP-35(3-B)/2023-24.

2. By the order impugned respondent No.1 has rejected the dispute filed by the petitioner, who was the Sarpanch of the Gram Panchayat Sinjar, against the motion of no confidence passed against him.

3. On 25th September, 2023, out of total seven members of the said Gram Panchayat, six members gave a requisition notice to the Respondent No.2-Tehsildar that they proposed to move motion of no confidence against the petitioner. Pursuant to the said notice, the Special Meeting was convened on 3rd October, 2023. In the said meeting six members voted in favour of motion of no confidence.

4. Learned counsel for the petitioner submits that the meeting was convened and conducted in utter violation of the Section 35 of the Maharashtra Village Panchayats Act, 1959 as the petitioner at the relevant time was out of station.

5. It is not the case of the petitioners that members of the panchayat who gave the requisition notice, were aware about the said fact. Apart from it this Court in Tatyasaheb Kale Vs. Navnath Kakde reported in AIR 2015 Bombay 87 has held that the Sarpanch who has lost the mandate of the house, if continued would be against the very tenets of the democracy. I am therefore not inclined to entertain the present petition. The writ petition is dismissed.

6. Learned counsel for the petitioner submits that motion of no confidence be stayed for two weeks to enable the petitioner to approach the Hon'ble Apex

Court. However, as out of total seven members, six members voted in favour of the motion, the request is rejected.

[N.R.BORKAR, J.]