



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

63 WRIT PETITION NO. 816 OF 2024 WITH
CIVIL APPLICATION NO. 7481 OF 2024
IN WP/816/2024

Bhagwan Ramkishan SurungPetitioner

VERSUS

The District Collector Jalna & othersRespondents

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Mr. D. U. Manwatkar, Advocate for the Petitioner.

Mr. S. B. Jadhav, AGP for the State.

Mr. S. W. Munde, Advocate for Respondent Nos. 5 to 9.

CORAM : R. M. JOSHI, J.

DATE : 24th MARCH, 2025.

PER COURT :

1. This petition takes exception to the order dated 08.12.2023 passed by the Collector in C.R. No.64/2023, under Section 35 of Maharashtra Village Panchayat Act.

2. The facts which led to filing of this petition can be narrated in brief as under :-

Petitioner is the elected member of Gram Panchayat Walkhed. Subsequently, he has been elected as Deputy Sarpanch. On 29.05.2023 six members of Gram Panchayat moved no confidence notice against the Petitioner to Tahsildar. Upon receipt of notice of no

confidence, the Tahsildar/Respondent No. 2 issued notice for meeting dated 02.06.2023. On that day, no confidence motion came to be passed against the Petitioner. It is the case of the Petitioner that there is non-compliance of Rule 2(2) framed under the Act. It is also contended that the Petitioner has no knowledge of the allegations made against him in the notice of no confidence. It is his further claim that there was no discussion on the subject nor an opportunity was given to the Petitioner to speak in the said meeting. On these averments, a dispute was raised before the Collector against the no confidence motion passed in the said meeting. As the Collector dismissed the said dispute, this petition.

3. Learned counsel for Petitioner submits that in view of provisions of Section 35(3)(b) of the Act, the Petitioner in the capacity of Deputy Sarpanch was entitled to address the meeting. By referring to the minutes of the meeting it is submitted that the Petitioner was not given any opportunity to address the meeting. By relying upon judgments in case of Ashok Krishnakant Mehta vs. State of Maharashtra and others, **2000(4) Mh.L.J. 197** and Manoj Ghanshyamdas Banode vs. Presiding Officer/Tahsildar, Dhamangaon, **AIRONLINE 2019 BOM 128**, it is his further

submission that the right of the Petitioner to address the meeting has been deprived and as such no confidence motion was not valid and it ought to have been set aside by the Collector.

4. Contesting Respondents supported the impugned order.

5. There cannot be any dispute made with regard to the fact that this is not a case of disqualification being attached to the post held by the Petitioner. Section 35 of the Act prescribes an opportunity of hearing to convince the members not to vote in favour of no confidence motion. For moving no confidence motion no particular reason/charge is necessary and hence communication or non-communication of the same is irrelevant. As a result of this, question of any notice, reasons for moving no confidence motion etc. to be communicated to the petitioner does not arise.

6. Here in this case, notice has been duly issued and all the members including the Petitioners had participated in the meeting in question. Now remains the issue of opportunity of addressing the meeting by the Petitioner. Minutes of the meeting clearly indicate

that discussion was held on the subject and all members were given opportunity of addressing the meeting.

7. In case of Ashok (supra) the Presiding Officer has declined permission to the members to speak and address the meeting. This is not a case wherein any member including the Petitioner was not given such opportunity. In view of this, these judgments do not come to the aid of the Petitioner. For want of any perversity, no interference is called for in the impugned order. Petition stands dismissed.

8. Learned counsel for Petitioner seeks extension of interim relief granted vide order dated 22.01.2024 for a period of two weeks.

9. Learned counsel for contesting Respondents opposes the said request.

10. Since interim order is in force for more than one year, the same is extended for two weeks.

(R. M. JOSHI)
Judge

dyb