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907-CA-5522-2025

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**907 CIVIL APPLICATION NO. 5522 OF 2025
IN WP/5991/2025**

Vidya Arun Badadhe

VERSUS

The State Of Maharashtra Through Its Department Of Rural And Others

WITH

WRIT PETITION NO. 5991 OF 2025

WITH

**CIVIL APPLICATION NO. 5523 OF 2025
IN WP/5991/2025**

...

Mr. Yuvraj Kakde h/f Mr. Y. S. Choudhari, Advocate for Applicant.

Mr. K. B. Jadhavar, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 9th MAY 2025

PC :-

1. Heard the learned Advocate for the Applicant.
2. This Court has already issued notice by an order dated 6th May 2025, returnable on 17th June 2025. Now, by way of civil application, the petitioner has now produced on record a copy of the communication dated 5th May 2025 issued by the Block Development Officer, Panchayat Samiti Shevgaon. Now, the Gram Sevak is directed to hand over the

charge for the post of Sarpanch to Upasarpanch. He submits that there are two grounds involved in this petition. He submits that the main ground in the petition is that the no confidence motion was passed by the member needs to rectify in the gram sabha within 15 days from the date of passing such resolution by the members.

3. Section 35 (3) clause (b) reads as under:

“(b) After the motion of no-confidence against the directly elected *Sarpanch* is carried by a majority of not less than three-fourth of the total number of the members, who are for the time being entitled to sit and vote at any meeting of the panchayat, then the same shall be ratified by the Gram Sabha, in a special meeting convened, within fifteen days from passing of such motion, by an officer appointed by a Collector in this behalf, in the presence and under the Chairmanship of such officer, by a simple majority by the method of counting of heads. After such ratification of motion by the Gram Sabha, the Sarpanch shall forthwith stop, exercising all the powers and performing all the functions and duties of the office and thereupon, such powers, functions and duties shall vest in the Upa-Sarpanch, and in case the motion is carried out against both the Sarpanch and Upa-Sarpanch, in such officer, not below the rank of Extension Officer, as may be authorised by the Block Development Officer, till the dispute, if any, referred to under sub-section (3B) is decided.]”

4. It is clear that the ratification needs to be clear within 15 days. In the present case, no confidence motion was carried and was passed on 21st January 2025. Since, no confidence motion was carried, the said was required to be ratified within 15 days. However, the Gram Sabha

was held on 21st April 2025, after almost three months. This Court is of the opinion that the case is made out to grant ad-interim relief.

5. In view of the same, issue notice to the Respondents, returnable on 17th June 2025.

6. Till the next date, there shall be ad-interim relief in terms of prayer clause (C), if charge is not already handed over.

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7. This civil application is moved for seeking leave to amend the petition. In view of the subsequent development, this Court finds that application can be allowed. Civil Application stands allowed.

8. Necessary amendment be carried out within one weeks from today.

9. Amended copy of the petition be served upon other side.

10. Parties to act upon an authenticated copy of this order.

[KISHORE C. SANT, J.]