



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

171 WRIT PETITION NO. 10154 OF 2025

Prabhulingguru Kashinath Shivachary Maharaj

VERSUS

The District Collector Hingoli And Others

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Advocate for the Petitioner : Mr. Chavan Sudhir K

AGP for Respondents-State: Mr. D. R. Korde

Advocate for Respondents No.5 to 13 : Mr. R. J. Nirmal

None Present for Respondent No.3.

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 08, 2025.

ORAL ORDER :-

1. Heard.
2. By the present petition, the petitioner challenges the order passed by the Collector rejecting his application for setting aside the no-confidence motion passed against him.
3. The brief facts, as summarized, are that the petitioner is the directly elected Sarpanch of Village Panchayat, Sarangwadi. The post of Sarpanch is reserved for OBC category, and there are only two OBC members in the said Village Panchayat. The Panchayat consists of 10 members, including the Sarpanch.
4. A no-confidence motion was moved against the petitioner on 13/01/2025. Accordingly, notice for convening the Gram Panchayat meeting was issued, and the meeting of the Gram Panchayat was held on 20/01/2025.

In that meeting, a no-confidence motion was passed against the petitioner under Section 35 of the Maharashtra Village Panchayats Act, 1958.

5. Section 35 also contemplates that such no-confidence proceedings are required to be placed before the Gram Sabha. Rule 5 of the Bombay Village Panchayat (Gram Sabha Meetings) Rules, 1959 prescribes that an *ordinary* meeting requires at least seven clear days' notice and an *extraordinary* meeting requires at least four clear days' notice.

6. In the present case, the extraordinary Gram Sabha meeting was held on 31/01/2025. The petitioner contends that the notice for the meeting was issued only on 27/01/2025, thereby not providing the mandatory *four clear days* notice.

7. The learned Counsel for the petitioner relies upon the judgment of this Court in **Amol Pandurang Godbole vs. Collector, Nanded & Ors., 2022 DGLS (Bom.) 258**, particularly paragraph 43, wherein the expression "*clear days*" has been explained. It has been unequivocally held that when the statute uses the expression "*clear days*", both terminal days, namely, the date of issuance of notice and the date of the meeting, must be excluded. Applying this principle, the petitioner submits that the

mandatory requirement of four clear days' notice has not been fulfilled.

8. The learned Counsel for the respondents is unable to dispute this legal position. However, he submits that in the event the matter is remitted, it would still be permissible to convene a fresh Gram Sabha meeting. He relies upon the judgment of the Hon'ble Supreme Court in **Subhash & Ors. vs. Surekha Hanumant Bankar & Ors., SLP (C) No. 1727 of 2021**, where it has been observed that the Gram Sabha is not required to be convened within any fixed or rigid timeframe from the date of the passing of the no-confidence resolution. Thus, if the earlier meeting suffers from any technical defect, a fresh meeting may be duly convened.

9. Considering the rival submissions and the legal position, it is clear that the mandatory requirement of *four clear days' notice* under Rule 5 of the 1959 Rules has not been complied with. Consequently, the Gram Sabha meeting held on 31/01/2025 suffers from procedural irregularity, and the Collector's order upholding the same cannot be sustained.

10. Accordingly, the impugned order is set aside, and the Gram Sabha resolution dated 31/01/2025, is also set aside.

11. However, in view of the observations of the Hon'ble Supreme Court in *Subhash (supra)*, liberty is granted to the respondents to convene a fresh Gram Sabha meeting for considering the no-confidence motion, strictly in accordance with the statutory provisions and by following the mandatory notice requirements under the Rules.

12. With the above observations, the petition stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.