



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10628 OF 2025

ANITA MAHALING RAUT

.. Petitioner

VERSUS

1. THE PRESIDING OFFICER
& THE TAHASILDAR, PARANDA
2. THE GRAM SEVAK,
GRAM PANCHAYAT OFFICER, ASU
3. ROHIDAS SUBHASH BURANGE
4. NISHA RAGHUNATH MANE
5. KALINDA RAMESH JAGTAP
6. SHRAVAN LAXMAN GANGE
7. SAVITA MAHADEV HARKAD
8. TASLIMA TAHER PATEL
9. SHASHIKANT BHIKAJI KHUNE
10. GOPABAI PARMESHWAR JADHAV

Respondent Nos.3 to 10 are
R/o. Asu, Tq. Paranda,
Dist. Dharashiv

11. THE COLLECTOR,
DHARASHIV

.. Respondents

...

Advocate for Petitioner: Mr. V. D. Salunke
AGP for Respondent / State: Mr. K. B. Jadhavar
Advocate for Respondents No.3, 6 & 9: Mr. S. G. Kawade

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09.09.2025

ORDER:

1. Heard.

2. By the present petition, the petitioner challenges order dated 19.08.2025, passed in Appeal No.535/2025 by the Collector upholding the no confidence motion passed against the petitioner.

3. The brief facts leading to the filing of the petition are summarized as under.

The petitioner was the Sarpanch of the village Asu, Taluka Paranda, District Dharashiv. In all 9 members are elected to the panchayat in the elections held in the year 2021 and the petitioner was elected as Sarpanch amongst 9 members. Notice of no confidence motion was moved by the respondents no.2 to 10, who are the members of the village panchayat before the Tahsildar, Paranda on 16.06.2025 at 05:35 p.m. seeking to move a no confidence motion. On the basis of the motion, the Tahsildar issued notice of meeting on 16.06.2025 informing that the meeting to discuss the no confidence motion is fixed on 20.06.2025 in the office of the village panchayat at 11:00 a.m. The no confidence motion was carried out on the stipulated date and the petitioner was not present for the meeting of no confidence motion and the same was carried out by the remaining 8 members against the petitioner. The petitioner challenged the motion of no-confidence

before the Collector by submitting that the notice of meeting dated 20.06.2025 was not served upon her. It is submitted that the notice of no confidence motion was not lawfully served upon the petitioner and under pressure of interested members, the panchanama was drawn showing that the house of the petitioner was closed and, therefore, notice was affixed on the door of her house on 17.06.2025. It is submitted that the panchanama is signed by 2 members out of respondents no.3 to 10 and the family members of other respondents. There is no independent panch for the panchanama. It is submitted that the panchanama was prepared for the same without there being actual notice being served or admitted to be served. It is also submitted that on the next date, i.e. on 18.06.2025, the notice was tried to be served on the petitioner and she refused to accept the notice and, as such, report was prepared by the Gramsevak. It is submitted that no panchanama is prepared to show that notice is refused to be accepted. In the appeal filed before the Collector under Section 35 of the Maharashtra Village Panchayat Act, the Collector on consideration of the material and submissions, dismissed the appeal. The same is challenged herein.

4. The learned counsel for the petitioner submits that the Collector failed to appreciate that there is non compliance of the

Maharashtra Village Panchayat (No Confidence Motion) Rules, 1975, more particularly Rule 7. He relies upon the order passed by this court in the cases of **Manoj Ghanshyamdas Bansode Vs. Presiding Officer / Tahsildar, Dhamangaon Rly. And others, (2019) 2 Bom CR 249**, so also, **Vishal Shrikirishna Hole Vs. State of Maharashtra and others, 2014 (1) Bom. C. R. 466**, so also, **Shivkant Haribhau Bangar Vs. Gramsevak and others, 2010 (4) Bom. C. R. 191** to contend that in absence of valid notice being served on the Sarpanch, the no confidence motion carried out would be liable to be set aside being illegal.

5. The learned counsel submits that the service of notice is in contravention to the Rules, as such, there is no effective service on the petitioner and that there is violation of the meeting rules and that the no confidence motion is rendered illegal. As such, the motion moved against the petitioner be set aside and the impugned order also be set aside.

6. The learned counsel appearing for the respondents has submitted that the motion is carried out by all remaining members i.e. 8 out of 9 and the petitioner has deliberately remained absent, fully knowing that not a single member is in her support. It is submitted that all attempts to serve the petitioner has failed i.e. on 17.06.2025, when the notice of meeting was attempted to be

served, the petitioner nor any adult member were present in the house as such the notice was affixed on the door and the panchanama was drawn. Thereafter, on the next date i.e. on 18.06.2025 when an attempt was made to serve the notice upon the petitioner she has not accepted the same. Accordingly, the Gramsevak has prepared a report of non-acceptance of notice. All attempts were made by the petitioner to avoid the service of notice of meeting and, as such, in a democratic set up, the writ court should not come to the aid of the petitioner when the motion is passed out by all the remaining members i.e. 8 out of 9. The meeting was called only for the purpose of no confidence motion and that it is passed with all remaining members in favour of the no confidence motion. It is submitted that the writ petition be dismissed.

7. Having considered the rival submissions, it is required to be noted that the notice to hold the meeting for no confidence motion was issued by the Tahsildar on 16.06.2025 and attempt was made to serve the notice on the petitioner on 17.06.2025. However, the door of the house of the petitioner was locked, so also, no adult member was present in the house, as such, the notice was affixed on the door of the house of the petitioner and panchanama was drawn. Photograph of the notice affixed on door is also taken.

Panchanama is drawn on 17.06.2025 that the house of the petitioner was locked and there was no other adult member was present in house and the notice was affixed on the door. Similarly, on 18.06.2025, when the petitioner was available in the village that the mahsul sevak (Gram Sevak) had gone to the petitioner to serve the notice of meeting. However, she refused to accept the notice and the same is reflected in the report of the gram sevak. Although, the petitioner was aware of the meeting, the petitioner has not remained present for the same.

8. Reliance placed by the learned counsel particularly on the Judgment of the **Vishal Shrikirishna Hole** (*supra*), in paragraph no.5, wherein it is observed that notice is to be served personally on the Sarpanch and if he is not found then on the adult male member of the family and if the adult member of the family is not found or refuses to accept notice then it is to be affixed on the conspicuous portion of his house in the presence of witnesses. The phrase used in Rule 7 is if none of the aforesaid modes of serving notice is feasible then the notice is to be fixed in presence of two panch witnesses on the conspicuous part of the house in which the member last resided. Rule 7 unambiguously expresses that it is obligatory on the Tahsildar to adopt first two modes to serve on

the member. Rule 7 of the Bombay Village Panchayat (Meetings) Rules, is quoted below for ready reference:

"Every notice under these rules shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or such person is not found, by giving or tendering it to an adult male member of his family who is residing with him. If there is no such person to whom notice can be given or tendered or where the member, or as the case may be, in his absence such adult male member, is present but refuses to accept the notice, it shall be served by affixing it, in the presence of two witnesses, on the outer door or some other conspicuous part of the house in which the member ordinarily resides. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed, in the presence of two witnesses, on some conspicuous part of the house in which the member is known to have last resided or carried on business or personally worked for gain."

9. In the instant case, an attempt was made to serve the notice upon the petitioner, however, the door was locked and that no adult member was present in the house, as such, notice was affixed on the door of the house, photograph of the same is produced and the panchanama is drawn of the notice being affixed. It is also pertinent to note that on the second date i.e. on 18.06.2025, another attempt was made by the Gram Sevak to serve the notice on the petitioner but the petitioner has refused to accept the same mentioning that the notice is already affixed on the door and the report to that effect is also made.

10. This finding of fact i.e. the petitioner refused to accept notice and there was proper notice to the petitioner, as recorded by

the Collector is based on material on record and this court, in exercise of the writ jurisdiction, would not interfere in the same as it is based on material on record and is a possible finding. The notice of no confidence motion is properly served on the petitioner and that the petitioner has remained absent for the meeting. The resolution was passed by all the remaining members i.e. 8 out of 9, as such, no case is made out for interference in the impugned order.

11. The Writ Petition stands dismissed.

[ARUN R. PEDNEKER, J.]

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