



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

940 WRIT PETITION NO. 13107 OF 2025

SAVITA BHALCHANDRA SARODE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...

Mr. Vishal S. Kakde Advocate for Petitioner.

Mr. A.B. Girase, Government Pleader for Respondent

Nos. 1 to 3.

...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 6th NOVEMBER, 2025

ORDER :

1. Heard learned Advocate for the petitioner and learned Government Pleader for respondent Nos.1 to 3.

2. Learned Advocate for the petitioner informs orally as well as learned Government Pleader tenders photo copy of the communication by respondent No.3 – Tahsildar, Jafrabad, stating that no confidence motion against the present petitioner has been passed. The said letter has been taken on record by

marking it as Exhibit "X". Learned Advocate for the petitioner tries to rely on the decision in *Amol Pandurang Godbole vs. Collector, Nanded District and others, 2022 SCC OnLine, Bombay, 117*, thereby the Hon'ble Single Bench of this Court had made interpretation of Rule 5 of the Bombay Village Panchayats (Gram Sabha Meetings) Rules 1959 (for short "Gram Sabha Rules") and thereby observed that when Rule 5 prescribes that the notice should be given at least four clear days before the date of such meeting, then the violation of the same would affect the no confidence motion.

3. The first and foremost fact to be noted is that impugned notice dated 3rd November 2025 was stated to be given under Section 35(1) of the Maharashtra Village Panchayats Act i.e. motion for 'no confidence' moved by not less than two-third of the total number of members. The present petitioner is stated to be directly elected Sarpanch. The meeting was held today i.e. on 6th November 2025. When we are considering the provision of Section 35(1) of the Maharashtra Village Panchayat Act, we will have to consider sub clause (2) thereof also wherein it is prescribed that within seven days from the date of receipt of such motion by Tahsildar he has to convene a special meeting of

the Panchayat at a time to be appointed by him and he shall preside over such meeting. There is no question of invoking the provisions of Gram Sabha Rules. The question of Gram Sabha Rules would come into play in view of Section 35(3)(b) of the Maharashtra Village Panchayat Act i.e. after the no confidence motion against directly elected Sarpanch is carried by majority of not less than three-fourth of the total number of members, who are for the time being entitled to sit and vote in meeting of the Panchayat then the same shall be ratified by the Gram Sabha in the special meeting convened within fifteen days from passing of such motion. Therefore, the interpretation in ***Amol Pandurang Godbole vs. Collector, Nanded District and others***, (supra) would be applicable at the time of ratification of the motion and not prior to that.

4. Now the motion has already been passed, therefore, there is no necessity to keep the matter pending. The motion is yet to be ratified and then there is also provision for challenge to the same before the Collector.

5. Learned Advocate for the petitioner then seeks protection till the further procedure is undertaken. However, since no

confidence motion has been passed, we are not inclined to grant such relief.

6. The Writ Petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/NOV25