



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14896 OF 2023

Radhabai Gangadhar Jogewar

VERSUS

The District Collector Nanded And Others

- Mr. P. P. Mandlik, Advocate for the Petitioner
- Mr. S. B. Jadhav, AGP for the Respondent Nos. 1 to 4/State
- Mr. U. B. Bilolikar, Advocate for the Respondent Nos. 6 to 11

CORAM : R. M. JOSHI, J
DATE : FEBRUARY 11, 2025

PER COURT :

1. Petitioner was Sarpanch of Gampanchayat Ghungrala, Tq. Naigaon (Khai), Dist. Nanded and being unseated on the basis of passing of no confidence motion, had challenged the same before the District Collector, Nanded unsuccessfully. Hence, this Petition is filed taking exception to the order dated 16.10.2023 passed by the District Collector, Nanded in Grampanchayat Dispute No. CR-146/2023.

2. Petitioner was elected as member of the Grampanchayat Ghungrala on 09.02.2021 and thereafter was elected as Sarpanch of the said Grampanchayat.

Respondent Nos. 5 to 12, in collusion and with mala fide intention to unseat the Petitioner from the post of Sarpanch, moved notice dated 17.07.2023 addressed to the Tahsildar, Naigaon under Section 35(1) of the Maharashtra Village Panchayat Act, 1957 thereby issuing notice of no confidence motion against the Petitioner. The said meeting was held on 21.07.2023. It is claimed by the Petitioner that the Petitioner was not permitted to speak and explain in response to the charges nor her request was considered by the Presiding Officer. It is further claim of the Petitioner that she had filed written submissions in respect of the alleged charged against her by the Respondents and they were not duly considered and has resulted into unseating her from the post of Sarpanch. It is also claimed that the relevant rules for conducting meeting were not followed. On the basis of said meeting, no confidence motion was approved. The said decision was challenged in Grampanchayat Dispute No. CR-146/2023 before the District Collector, Nanded. It is alleged by the Petitioner that without verifying facts on record, the District Collector dismissed the dispute. Hence, this Petition.

3. Learned Counsel for the Petitioner has drawn attention of the Court to the facts of the case indicating the election of the Petitioner as member and Sarpanch of the Grampanchayat, issuance of notice of no confidence motion by Respondent Nos. 5 to 12, conduct of meeting dated 21.07.2023 and passing of resolution in the said meeting. It is his submission that the meeting in question was not held in accordance with the Maharashtra Village Panchayat Act and relevant rules. It is his submission that before passing any such resolution, it is mandatory to have discussion on the said issue and that the conduct of the meeting was not in accordance with the Rules 17 to 26 of the Bombay Village Panchayats (Meetings) Rules, 1959 (for short '**Rules of 1959**'). He drew attention of the Court to the minutes of meeting, which according to him indicate that there was no discussion held in the meeting and even the proposer and seconder of the said motion did not speak anything in support of the motion. It is claimed that cursorily a reference is made about the proposal and seconder in the said meeting. In support of his submissions, he placed reliance on judgment of

this Court in case of *Vijay Ramchandra Katkar vs. Group Gram Panchayat Pali and Others, 2010 (6) Bom.C.R. 708.*

4. Learned AGP and learned Counsel for contesting Respondents supported the impugned order.

5. There cannot be any dispute about the fact that for the purpose of unseating of Sarpanch, the procedure as contemplated by the Rules of 1959 must be complied with. Herein this case, it needs to be noted that there is no dispute about the fact that notice was issued in respect of no confidence motion by Respondent Nos. 5 to 12. Undeniably, there are 9 members of the Garampanchayat in question. All members were served with the notice and they were present in the meeting. No confidence motion was required to be approved with not less than 2/3rd majority. This is not the case of the Petitioner that 2/3rd majority did not approve the said motion.

6. Now question arises as to whether there is substantial compliance of the relevant rules for the conduct of said meeting. Perusal of the minutes recorded of the said meeting indicates that there was

substantial compliance of the rules while conducting the said meeting. The District Collector, Nanded while deciding the dispute has taken into consideration the objections raised by the Petitioner to the said meeting and resolution and after going through the relevant provision of the rules, it is held that there is no substance in the said objection. It is held by the Collector that the minutes are recorded and it being part of the regular business of the Grampanchayat, unless contrary is proved there is no reason not to accept the same to be correct. In this regard, Collector has made reference to the minutes indicating that detailed discussion was held in the said meeting over the subject matter. The said observations made by the District Collector is in consonance with the material on record. He has also held that all members of the Grampanchayat had attended the said meeting. It is not the case that the Petitioner or any other member did not receive the notice of the said meeting. Participation of all members in this meeting is apparent from the material on record. In such circumstances, there is substantial compliance of the relevant rules.

7. In view of above discussion, this Court is not inclined to cause interference in the impugned order for want of any perversity. In the result, Petition stands dismissed.

(R. M. JOSHI, J.)