

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12246 OF 2025**

Nanda Subhash Gore,
Age about 46 years,
Occupation: Agriculturist,
R/o. Rethare (Kh.), Tal. Karad,
District: Satara.

.....Petitioner

Versus

1. The Collector, Satara,
Collector Office, Satara.
2. Tahasildar @ Presiding Officer,
Karad, Tal. Karad,
District: Satara.
3. Village Development Officer,
(Gramsevak), Grampanchayat
Rethare Kh. Tal. Karad, District: Satara.
4. Sunita Bapusaheb Salunkhe,
Age about adult years, Occupation: Agriculturist,
5. Uma Arvind Karande,
Age about adult years,
Occupation: Agriculturist,
6. Umesh Baburao Mohite,
Age about adult years,
Occupation: Agriculturist,
7. Avdut Dattajirao Patil,
Age about adult years,
Occupation: Agriculturist,
8. Jaywant Anandrao Patil,
Age about adult years,
Occupation: Agriculturist,
9. Sanjay Sampat Jadhav,
Age about adult years,
Occupation: Agriculturist,
10. Manoj Vasant Lokhande,
Age about adult years,
Occupation: Agriculturist,
11. Swati Dattatraya Kalase,
Age about adult years,
Occupation: Agriculturist,

12. Anjana Jagannath Mohite,
Age about adult years,
Occupation: Agriculturist,
13. Sujata Satish Yadav,
Age about adult years,
Occupation: Agriculturist,
14. Sushama Nitin Nalawade,
Age about adult years,
Occupation: Agriculturist,
Nos.4 to 13 R/o. Rethare Khurd,
Tal. Karad, District: Satara. ..Respondents
(Nos.4 to 13 are Orig. Opponents
before Collector)

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Mr. Sharad T. Bhosale a/w Mr. Amar P. Dhumal a/w Mr. Mohsin Khan,
Advocate for Petitioner.

Mr. Sanjay D. Rayrikar, AGP for Respondent Nos.1 and 2/State.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th NOVEMBER, 2025.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at admission stage.
2. The petitioner impugns order dated 23.09.2025 passed by District Collector, Satara in Grampanchayat Dispute Application No.6/2025, thereby confirming No Confidence Motion passed against petitioner in special meeting dated 03.06.2025 of Grampanchayat Rathare Khurd.
3. The petitioner was elected as member of village panchayat in General Election of 2022. She was further elected as Upa-sarpanch. The Grampanchayat Rathare consists of 12 members. The respondent

nos.4 to 14, who are members of village panchayat moved requisition dated 29.05.2025 for No Confidence Motion against petitioner. In pursuance to said requisition, respondent no.2 convened special meeting on 03.06.2025 to discuss No Confidence Motion. The petitioner attended special meeting, in which it is declared that No Confidence Motion is passed. The petitioner filed Dispute Application No.6/2025 before District Collector, Satara, who rejected dispute vide impugned order dated 23.09.2025.

4. Mr. Sharad Bhosale, learned Advocate appearing for petitioner would submit that No Confidence Motion passed against petitioner is illegal. The requisition for No Confidence Motion or Resolution of No Confidence Motion does not speak about adequate reasons. Secondly, No Confidence Motion was not proposed or seconded by any one. The procedure under Rules 17, 18 and 19 of Bombay Village Pnachayats (Meetings) Rules, 1959 (for short 'Meeting Rules, 1959') is not followed. The voting is not taken by way of secrete ballot papers.

5. Mr. Sanjay Rayrikar, learned AGP supports impugned order.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that No Confidence Motion was moved against petitioner by 9 members of village panchayat posing grievances against her. The respondent no.2 had convened special meeting dated 03.06.2025 to discuss No

Confidence Motion at Grampanchayat office. All 12 members of village panchayat were participated in meeting alongwith petitioner and No Confidence Motion was discussed. The petitioner has replied to allegations against her. Thereafter, No Confidence Motion was put to vote. The 9 members voted against petitioner. The proceeding of meeting is video-graphed.

7. The first objection to No Confidence Motion is that no precise reasons given in notice or discussed during meeting for No Confidence Motion. The Division Bench of this Court in case of ***Nimba Rajaram Mali Vs. Collector, Jalgaon and Others***¹ observed that “*will of majority is of paramount importance and it must be respected by all elected representatives responsible for the governance of such democratic institutions*”. By giving reference in case of ***Babubhai Mulji Patel Vs. Nandala***², it is observed that “*while it is necessary in case of Censure Motion to set out ground or charge on which it is based, Motion of No Confidence need not set out ground or charge. It was further held that no such consideration arises when No Confidence Motion is moved, existence of a ground is not a prerequisite of No Confidence Motion and there was no legal bar to passing of the No Confidence Motion against an authority in absence of any charge or impropriety or lapse on part of that authority. The essential connotation of No Confidence Motion is that party against*

1 1998 (3) Mh.L.J. 204.

2 AIR 1974 SC 2105.

whom such a Motion is passed has ceased to enjoy the confidence of requisite majority of the members”.

8. The second objection to No Confidence Motion is that special meeting was not proposed or seconded by members in terms of Rules 18 and 19 of Meeting Rules, 1959. However, it can be observed that aforesaid requirement is not mandatory. From reading of minutes of meeting of No Confidence Motion, it is clear that at the beginning of meeting, petitioner was given information regarding No Confidence Motion moved against her. She was read over grounds of No Confidence Motion. In case of ***Hindurao Dnyanu Shirtode and Another Vs. State of Maharashtra and Others***³, Division Bench of this Court observed that requirement of proposer and seconder in Meeting Rules, 1959 would not *ex-facie* apply to No Confidence Motion. It has been clarified that No Confidence Motion will be governed by Bombay Village Panchayats Sarpanch and Upa-Sarpanch (No Confidence) Rules, 1975. Section 176 of Act conferred power on State Government for making Rules for different purposes of Act. Rules are, therefore, framed for achieving different objects and purposes of the Act. Rules which are framed for distinct objects and purposes of the Act cannot be applied uniformly for all purposes. In view of aforesaid exposition of law, second objection of petitioner cannot be accepted.

³ 1998 (3) Mh.L.J. 622.

9. The last objection of petitioner is that procedure of votes by secrete ballot paper was not undertaken. However, Rule 28 of Meeting Rules, 1959 prescribes that in absence of any demand by majority of members for votes by secrete ballot, such procedure cannot be adopted. Normal rule is that vote to be taken by word of mouth or by show of hands. In present case, none of members demanded for vote by secrete ballot paper. Therefore, third objection is also liable to be rejected.

10. Reference can be given to law laid down by this Court in case of ***Tatyasaheb Ramchandra Kale v. Navnath Tukaram Kakade***⁴, wherein in paragraph 14, following observations are made:

“A provision contained in a subordinate legislation cannot prevail, if the requirement of the main enactment i.e., the Act has been fulfilled. In such an eventuality, the requirement of the subordinate legislation would have to give way to the Act and hence the requirement of Rule 17 in the matter of proposing and seconding the motion can only be said to be directory. For the same reason Rule 39 which is part of the same Meeting Rules would have no impact on the conclusion that Rule 17 is directory and not mandatory.”

11. In view of aforesaid discussion, there is no merit in Writ Petition. Hence, stands dismissed.

12. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE