

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12764 OF 2025

Pooja Shivagonda Patil,
Age: 33 Years, Occupation: Nil,
R/o. Khidrapur, Taluka : Shirol,
District: Kolhapur – 416 018.

.....Petitioner

Vs.

1. The Grampanchayat,
Khidrapur, Through Gram Sevak,
Taluka : Shirol, District: Kolhapur.
2. The Block Development Officer,
Shirol Panchayat Samiti,
Taluka: Shirol, District: Kolhapur.
3. The Tehsildar, Shirol,
Taluka: Shirol, District: Kolhapur.
4. The District Collector, Kolhapur.
Nagala Park, Kolhapur.
5. The State Election Commissioner,
First Floor, New Administrator
Building, Hutatma Rajguru Chowk,
Madam Cama Road, Mumbai.
6. Sarika Kuldeep Kadam,
Adult, Occupation: Nil.
7. Jayshree Bapuso Ladage,
Adult, Occupation: Nil.
8. Rohini Mantesh Kamble,
Adult, Occupation: Nil.
9. Saeeda Ramjaan Shirguppe,
Adult, Occupation: Nil.

10. Sartaaj Ashpak Dhalayit,
Adult, Occupation: Nil.
11. Amit Siddhoba Kadam,
Adult, Occupation: Agriculture.
12. Panchakshari Manik Koshti,
Adult, Occupation: Agriculture.
13. Rajendra Narasu Sunke,
Adult, Occupation: Agriculture.
14. Irshadahmed Babaso Mujawar,
Adult, Occupation: Agriculture.
R-6 to R-14 all R/o. Khidrapur,
Taluka: Shirol, District: Kolhapur.Respondents

Mr. Aditya S. Raktade, for the Petitioner.

Mr. Sanjay D. Rayrikar, AGP, for the Respondent Nos.3 & 4-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 8th DECEMBER 2025

JUDGMENT :-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at stage of admission.
2. The present Writ Petition takes exception to order dated 24th November 2025 passed by District Collector, Kolhapur in Grampanchayat Dispute No.28 of 2025, whereby learned District Collector affirmed “No Confidence Motion” passed against Petitioner during Special Meeting convened on 12th August 2025.

3. The Petitioner was duly elected as Member of Village Panchayat, Khidrapur for the tenure from 2022-2027. She was further elected as Deputy Sarpanch. The Members of Village Panchayat submitted requisition dated 6th August 2025 for “No Confidence Motion” against Petitioner. The Respondent No.3-Tahsildar conveyed meeting on 12th August 2025 to discuss the motion. Accordingly, on 12th August 2025, meeting for discussion on motion was held at Grampanchayat. Respondent Nos.6 to 14 voted against Petitioner. Eventually, Respondent No.3 declared that No Confidence Motion is validly passed against Petitioner.

4. The Petitioner filed dispute under Section 35(3)(b) of Maharashtra Village Panchayat Act, 1959 (For short, ‘**MVP Act**’) before District Collector impugning No Confidence Motion. However, learned District Collector rejected dispute upholding No Confidence Motion.

5. Mr. Aditya Raktade, learned Advocate appearing for Petitioner raises two-fold challenge to No Confidence Motion. Firstly, he contends that there was no proposer or seconder to No Confidence Motion, as such, there is gross violation of Rules 17, 18 and 19 of

Maharashtra Village Panchayat (Meeting) Rules, 1959 (For short, **'Meeting Rules, 1959'**). Secondly, reasons for No Confidence Motion were vague. He would further point out that minutes of meeting records that 10 members voted against Petitioner. Although, 10 members including Petitioner were present at meeting and it is impossible that Petitioner would vote against herself.

6. Having considered submissions advanced, it can be observed that seven members of Village Panchayat issued notice of No Confidence against Petitioner. Eventually, a Special Meeting was conveyed on 12th August 2025 at Grampanchayat Office, Khidrapur. In all ten members including Petitioner were present at meeting. The proceeding of meeting has been recorded. It appears that all members including Petitioner participated in discussion. The members shown no confidence against Petitioner. The Petitioner raised objection that no specification as to alleged misconduct or misbehaviour are given. On request of one of the members, voting by ballot paper was taken and No Confidence Motion has been passed by majority.

7. In light of aforesaid background, first objection to No

Confidence Motion is that no reasons are given in support of No Confidence Motion. However, since No Confidence Motion is passed by majority, in light of observations of Division Bench of this Court in case of ***Nimba Rajaram Mali v. Collector, Jalgaon & Ors.***,¹ “will of majority is of paramount importance and it must be respected by all elected representatives responsible for the governance of such democratic institution”, the contention of Petitioner cannot be accepted. Similarly, in case of ***Babubhai Mulji Patel v. Nandalal***,² the Supreme Court observed that:

“While it is necessary in case 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 agist whom such a motion is passed has ceased to enjoy the confidence of requisite majority of the members.”

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

2 AIR 1974 SC 2105.

8. In light of aforesaid observations, Petitioner's contention cannot be accepted to vitiate No Confidence Motion which is otherwise passed by majority.

9. The next contention of Petitioner is that in terms of Rules 18 and 19 of Meeting Rules, 1959, No Confidence Motion was not proposed or seconded by member present in meeting. However, this Court finds that aforesaid contention does not hold water. In case of ***Hindurao Dnyanu Shirtode & Anr. v. State of Maharashtra & Ors.***³ the Division Bench of this Court observed as under:

“The 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

3 1998 (3) Mh.L.J. 622.

*aforesaid exposition of law, second objection of
Petitioner cannot be accepted.”*

10. The third objection raised by Petitioner is regarding stipulation in minutes of meeting that No Confidence Motion is passed by majority of 10x10. Although, there is some substance in contention of Petitioner that recording of minutes of meeting is erroneous and it cannot be expected that Petitioner herself voted in favour of No Confidence Motion, the fact remains that all 9 members out of 10 present in meeting have unanimously voted in favour of No Confidence Motion. Therefore, there is no room of doubt that No Confidence Motion is passed by thumping majority.

11. In result, no case is made out to cause interference in impugned order in exercise of jurisdiction under Article 227 of Constitution of India. Hence, Writ Petition stands dismissed.

12. Rule stands discharged.

(S. G. CHAPALGAONKAR, J.)