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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2645 OF 2025

Ankush Dadu Kharmare ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

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Mr. Anshuman Deshmukh for the petitioner.

Mrs. M.S. Srivastava, AGP for respondent Nos.1 to 4 –
State.

Mr. Nitin Gaware Patil with Mr. Divyesh Jain and Mr.
Jay Salunke for respondent Nos.5 to 12.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 24, 2025

P.C.:

1. The challenge in this writ petition is directed against the order dated 11 February 2025, passed by the Collector, whereby the petitioner's objection under Section 35(3B) of the Bombay Village Panchayats Act, 1958 ("the said Act") came to be rejected. The petitioner, who was elected as Sarpanch in February 2021, contends that the impugned order has been passed in disregard of both procedural safeguards contemplated by the said Act and the underlying democratic principles that govern the functioning of local self-government institutions.

2. Briefly stated, the factual matrix is that on 24 December

2024, respondent Nos.5 to 12 approached the Tehsildar with a requisition for convening a meeting to move a motion of no confidence against the petitioner. The Tehsildar, upon examining the said requisition, recorded that on 24 December 2025 at 1.50 p.m., eight members were personally present before him and had reiterated their intention to move the motion. In consequence thereof, the Tehsildar issued a special meeting notice on 24 December 2024, in accordance with Section 35(2) of the Bombay Village Panchayats Act, 1958, setting out the agenda to discuss and vote upon the no-confidence motion. The minutes of the special meeting, as produced at page 27 of the writ petition, reflect that the petitioner was granted the opportunity to speak. The petitioner's submissions, detailing the works undertaken by him as a Grampanchayat member, form part of the official record of the said proceedings

3. Subsequently, the petitioner initiated proceedings under Section 35(3B) of the said Act, challenging the validity of the resolution of no confidence. The Collector, however, dismissed the petitioner's objection. In so doing, reliance was placed on the Full Bench decision of this Court in *Tatyasaheb Ramchandra Kale v. Navnath Tukaram Kakde & Ors.*, reported in (2014) 6 Mah LJ 804 (FB) : 2014 SCC OnLine Bom 1483, wherein it was held that Rule 17 of the Bombay Village Panchayats (Meeting) Rules, 1959 is directory in nature. The Collector reasoned that even if the motion was not formally proposed and seconded in strict compliance with Rule 17, such an infraction would not ipso facto invalidate the no-confidence resolution, provided the requirements of Section 35(3)

of the said Act were duly satisfied. This judicial interpretation underscores the principle that the substance of compliance, rather than mere form, is paramount when the democratic will of the majority is clearly manifested.

4. Learned Counsel for the petitioner raised two principal contentions. First, it was urged that the persons who allegedly signed the requisition notice had not in fact signed it individually, and that only one individual may have signed on behalf of others. Upon perusal of the Tehsildar's order, however, it is evident that the Tehsildar explicitly recorded that eight members of the Grampanchayat were present before him on 24 December 2024 at 1.50 p.m., reaffirming their collective intention to move the no-confidence motion. This contemporaneous record rebuts the petitioner's allegation of fabrication or procedural impropriety in the signing process.

5. The second contention advanced on behalf of the petitioner is that no proper opportunity to speak was granted to him during the special meeting. However, the minutes of the proceedings, produced at page 27 of the writ petition, reveal that the petitioner did place on record a reply highlighting the works undertaken by him. This contemporaneous documentation negates the petitioner's grievance that he was denied a fair hearing. Having regard to these factual aspects, it is manifest that the meeting was conducted in substantial compliance with the procedural requirements set out in Section 35 of the said Act, and the petitioner was accorded the opportunity to present his defense.

6. Once eight out of nine members have validly requisitioned and carried a resolution of no confidence against the petitioner, the will of the overwhelming majority of Grampanchayat members must be accorded due respect under the foundational tenets of local self-governance. As held by the Hon'ble Supreme Court in *Babubhai Muljibhai Patel v. Nandlal Khodidas Barot*, (1974) 2 SCC 706, a no-confidence motion is essentially an expression of the collective will of the house, and courts should be slow to interfere with such democratic expressions unless there is a demonstrable violation of the statutory or constitutional provisions. In the present case, there is no material suggesting that the resolution was passed without following the statutory framework. Therefore, this Court finds no legal infirmity justifying interference with the impugned order.

7. In light of the above discussion and bearing in mind the salutary principle that a democratically passed no-confidence resolution shall not be lightly quashed, the writ petition stands dismissed. The order of the Collector dated 11 February 2025 does not disclose any perversity or illegality warranting this Court's interference under Article 226 of the Constitution of India. Consequently, the petition is dismissed. There shall be no order as to costs.

(AMIT BORKAR, J.)