



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2106/2025

Anita Amol Wankhede .Vs. The Additional Collector, Amravati and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. Sagdeo, Advocate for petitioner.

Mr. K. R. Lulay, A.G.P. for respondent Nos.1 and 2.

Mr. D. M. Surjuse, Advocate for respondent Nos. 4 to 14.

CORAM : **ANIL L. PANSARE, J.**

DATE : **APRIL 17, 2025**

Heard.

2. Petitioner – Sarpancha of Gram Panchayat, Papal, Tahsil Nandgaon Khandeshwar, District Amravati, suffered motion of no confidence on 11.03.2025.

3. It appears that on 05.03.2025, notice as required under Section 35(1) of the Maharashtra Village Panchayats Act, 1959 (for short the, “Act of 1959”) has been served by 10 out of 11 members of the Gram Panchayat to Tahsildar concerned. However, the Tahsildar, while issuing notice to the petitioner indicating that the meeting is scheduled on 11.03.2025, referred to notice issued by members but quoting date as 07.03.2025. Thus, it appears that Tahsildar committed mistake while mentioning the date of notice issued by members of Gram Panchayat. This mistake continued throughout. The motion of no confidence was passed by majority of 10:1.

4. The counsel for petitioner submits that notice dated 07.03.2025 was never issued by members of the Gram Panchayat and accordingly, argued that the entire motion will be vitiated. When inquired as to whether such a categorical plea was raised by petitioner before the Appellate Authority i.e. respondent No.1, counsel for petitioner, has invited my attention to paragraph 9 of the appeal memo wherein the petitioner has averred that respondent

Nos. 3 to 12 therein, who were members of the Gram Panchayat, have not submitted any notice dated 07.03.2025 to respondent No.1 – Tahsildar and despite such fact, in the notice issued by Tahsildar, incorrect reference of notice dated 07.03.2025 has been mentioned.

5. To my mind, this cannot be said to be a plea that members of Gram Panchayat had never issued notice. What is said is that the Tahsildar has referred to wrong date in his notice issued to the petitioner. This, otherwise, indicates that the petitioner was aware of notice dated 05.03.2025.

6. Be that as it may, respondent No.1 proceeded to note that the members had issued notice dated 07.03.2025 and pursuant thereto, Tahsildar on 07.03.2025, issued notice to the petitioner calling upon her to appear for the meeting on 11.03.2025. Accordingly, respondent No.1 held that the notice has been issued and motion of no confidence passed in consonance with Section 35 of the Act of 1959.

7. The question, therefore, is whether merely because an incorrect date of notice is mentioned, will the entire motion be vitiated. The answer would be certainly in the negative inasmuch as the record indicates that the members of Gram Panchayat had issued notice of no confidence on 05.03.2025. The Tahsildar has taken cognizance of the said notice and on 07.03.2025, issued notice to the petitioner to appear in the meeting of no confidence. The motion of no confidence was passed by majority of 10:1. Thus, the procedure as prescribed under Section 35 of the Act of 1959 has been duly complied with. In other words, the petitioner failed to make out a case. The petition is accordingly dismissed. No order as to costs.

(Anil L. Pansare, J.)