



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2421 of 2025

[Sau. Shashti Rakesh Sarkar ..vs.. The Collector, Gadchiroli 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. B. S. Dhandale, Advocate for the petitioner
Mr. S. B. Bissa, AGP for the State

CORAM : ANIL L. PANSARE J.

DATED : 05-05-2025

Heard.

2. The challenge is to order dated 9-4-2025 passed by respondent no. 1 – Collector, Gadchiroli thereby rejecting the application filed by the petitioner under Section 35(3)(b) of the Maharashtra Village Panchayats Act, 1959 (for short ‘the Act of 1959’).

3. It appears that no confidence motion was passed against the petitioner – Sarpanch by majority of 8:0. It appears that there are total 9 members including the petitioner, who remained absent in the meeting, despite receiving notice from the Tahsildar. Remaining 8 members voted in favour of motion and accordingly, the petitioner came to be removed in terms of Section 35 of the Act of 1959.

4. The argument is that the respondent should have furnished 9 copies of notice to the Tahsildar in terms of Rule 2 of the Bombay Village Panchayats Sarpanch and Up-Sarpanch (No Confidence Motion) Rules, 1975 (for short ‘the Rules of 1975’).

5. When enquired as to how did the petitioner come to know whether or not respondent had served 9 copies, there is no convincing answer coming forth. When further enquired

whether petitioner received notice, learned counsel for petitioner answered in affirmative.

6. Rule 2 of the Rules of 1975 provides that notice of motion should be served in 9 copies to the Tahsildar of which the Tahsildar shall serve one copy to the Sarpanch. This compliance appears to have been done in the present case. Since the petitioner admit that she received copy of notice, there appears compliance of said provision. There is thus no reason to interfere with the impugned order in writ jurisdiction. The petition is dismissed with no order as to costs.

(Anil L. Pansare, J.)

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