



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

WRIT PETITION NO.3752/2024

Satish s/o Bhaskar Nawale and others Vs. State of Maharashtra
and others

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

Court's or Judge's order

Mr. S.S.Deshpande, Advocate for petitioners.
Mr. H.D.Futane, AGP for the respondent no.2.

CORAM : SACHIN S. DESHMUKH, J.
DATE : JULY 23, 2025.

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.
2. The only issue in the petition is about computation of votes as mandated by Section 35(3) of the Maharashtra Village Panchayats Act, 1959. The Gram Panchayat in question comprises a total of 11 members. A requisition for moving a motion "no confidence motion" against respondent no.1 was submitted, bearing the signature of only 8 members of Gram Panchayat, to which objection was raised by the respondent no.1 by approaching the Collector contending that the requisition must be supported by 3/4th of the total members as mandated under Section 35 (3) of the Maharashtra Village Panchayats Act, 1959.
3. Considering the said fact that requisition was only signed by eight members out of 11 members of Gram Panchayat, the Collector vide its order dated 5th June, 2024 has upheld the objection raised by the respondent no.1 holding that the meeting which was conveyed was a special meeting and it does not meet the requirement, as provided in Section 35 (3) of the Maharashtra Village Panchayats Act, 1959.

4. The computation of majority of 3/4th members for moving motion essentially has to be as per the mandate of Section 35 (3) of the Act which comes to 9 members of the Gram Panchayat.

5. As the expression "not less than", incorporated in Section 35(3) has to be conferred with meaning and purpose. Admittedly, when majority comes to 8.25 votes, therefore, same under any eventuality must "not less than 8.25" has to be given meaning. Therefore, 8.25 can never be rounded off to 8, fraction has to be treated as one, since votes cannot be treated or computed in fraction. Thus, 8.25 essentially has to be read as 9 votes, for passing of the motion as has been mandated by virtue of Section 35 (3). The said finding gains support from the judgment of the Supreme Court in the case of **Ganesh Sukhdeo Gurule Vs. Tahsilidar, Sinnar and others** reported in (2019) 3 SCC 211, more particularly paragraph no.19 wherein the Apex Court has considered the issue of computation of fraction. As such 3/4th majority out of 11 members would come to 9 and not as it is contended by the petitioners.

6. Therefore, no error is noted in the order rendered by the Collector. Accordingly, the petition does not deserve any consideration, same is, accordingly, dismissed. Rule is discharged. No costs.

(SACHIN S. DESHMUKH, J.)