



and 4573. of 2024.. 24.odt

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

Writ Petition Nos.4572/2024 & 4573 of 2024
Siyanand s/o Mulchand Thakre and others Vs. The Collector, Gondia and others

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

Court's or Judge's orders.

Mr. Bhojraj Dhandale, Advocate for petitioners.
Ms.H.N.Jaipurkar, AGP for respondent nos.1 and 2.
Mr. S.K.Tambde, Advocate for respondent nos.4 and 5.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 15/10/2025.

1. Heard Mr.Dhandale, learned counsel for petitioners and Ms.Jaipurkar, AGP for respondent nos.1 and 2 and Mr. S.K. Tambde, learned counsel for respondent nos.4 and 5.
2. The present petitioners moved a motion of “no confidence” against the Sarpanch and Upsarpanch. The Special Meeting was convened to hold no confidence motion against the Sarpanch and Upsarpanch, which was passed by majority.
3. Being aggrieved by the same, Sarpanch and Upsarpanch filed proceedings before the District collector under Section 35 (3B) of the Maharashtra Village Panchayat Act (“the Act” for short) and the District Collector set aside the proceedings held in the special meeting on the ground that fraction of 3/4th was not proved.
4. Therefore, having gone through the orders passed by the Collector, it reveals that the District Collector set aside the resolution held in the Special Meeting on the ground that fraction of total members i.e 7 amounts to 5.25, but only five votes were in favour of no confidence motion.

5. Considering the strength of total members, 3/4th majority comes to 5.25 and, therefore, the round of figure would come to 6.

6. In view of the above, Section 35 of the Act requires that “no confidence motion” must pass by 3/4th majority i.e. 5.25 members. Therefore, the Collector has rightly allowed the dispute filed by Sarpanch and Upsarpanch.

7. In view thereof, both the petitions are dismissed.

(Siddheshwar S. Thombre, J)