



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

WRIT PETITION NO.4115/2025

Kalpana Ashok Palaspagar Vs. The Collector, Akola 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. N. A. Gawande, Advocate for Petitioner.
Mr. S. M. Ukey, Addl.G.P. for Respondent Nos.1 and 2/State.
Mr. A. R. Deshpande and Mr. S. D. Pundkar, Advocate for
Respondent Nos.4 to 7.

CORAM : ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI,JJ.
DATED : 19/08/2025.

1. In the present matter, the petitioner has approached to this Court raising a challenge to 'no confidence motion' on the ground that the time period left to complete the term of office of the Village Panchayat is less than six months and there is a prohibition to hold a meeting for motion of no confidence, under Section 35(3) proviso 4 of the Maharashtra Village Panchayat Act, 1959.

2. During the arguments, the learned Counsel for the petitioner makes two conflicting arguments, namely, that while considering the period of term of five years as per Section 28 of the Maharashtra Village Panchayat Act, 1959, the commencing date will be 26.08.2020 in this case, which is the date on which the term of earlier body came to an end to take the benefit of proviso 4 of Section 35(3) of the Act of 1959. Whereas, to hold the office by the petitioner his submission is that the date on which the first meeting was held i.e. on 11.02.2026 shall be considered.

3. Thus, it is clear that according to the petitioner, for Section 35 of the Act, the relevant date would be

26.08.2020. However, to continue on the post as Sarpanch, the relevant date would be 11.02.2021.

4. The petitioner by arguing this, wants to take advantage of Section 28(1)(i) of the Act. Section 28(1)(i) says that the term of office of the members elected at a general election or appointed under Sub-Section (3) of Section 10 shall be deemed to commence on the date of the first meeting of the Panchayat and such date shall not be in the case of first meeting after general election, be later than the day immediately following the day of expiry of the term of outgoing members.

5. In the present matter, admittedly, the term of the earlier body came to an end on 26.08.2020 and on 27.08.2020, an Administrator was appointed. The appointment of the Administrator was till the elections are held and the charge is taken by the newly elected body.

6. In the present matter, the elections were held on 15.01.2021 and the results were declared on 18.01.2021. Whereas, the first meeting was held on 11.02.2021. The petitioner is not disputing the fact about the appointment of the Administrator and it is also not disputed that this appointment was continued till the new body was elected.

7. In the circumstances, the date 26.08.2020 which is the last date of the completion of five years term of the earlier body, cannot be considered for the reason that by appointing an Administrator, the term was extended and in the said circumstances, five years term needs to be calculated and counted from the date of the meeting of the Panchayat. Such meeting of the Panchayat was held on 11.02.2021 and as such, the period of five years would

expire on 11.02.2026. Therefore, if the preceding six months period is calculated, the cut off date will be 11.08.2025 where after motion of no confidence cannot be moved under Section 35 of the said Act.

8. In the present case, the date of notice for discussion of motion of no confidence is dated 29.07.2025 whereas the date which was fixed for discussion of such motion was 04.08.2025.

9. In that view of the matter, the bar to hold no confidence motion where the period of less than six months is left for completion of the term of office, will not come in the way to hold the motion of no confidence in this matter.

10. Accordingly, we do not find any merit in the present writ petition and hence, it is rejected.

11. The period during which the stay was in operation shall not be calculated for the purpose of computing preceding period of six months of completion of term of office, for holding no confidence motion.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)