



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

WRIT PETITION NO. 254 OF 2024

Sau. Godawaribai Gajanan
Manwatkar.

PETITIONER

Versus

The Divisional Commissioner,
Amravati Division, Amravati
(Deleted) & Ors.

RESPONDENTS

Mr. S.D. Chande, Advocate a/w Mr. Sunil Kulkarni, Advocate
for the Petitioner.

Mr. H.D. Futane, AGP for the Respondent Nos. 2 & 3/State.

CORAM: R.M. JOSHI, J.

DATED : 9th JULY, 2025

ORAL ORDER

1. None for the contesting Respondents, in spite of service of notice.
2. Heard learned Counsel for the Petitioner and learned AGP for the Respondent Nos. 2 and 3/State.
3. This Petition takes exception to the order passed by the Additional Collector, Washim dated 26.12.2023, whereby the challenge to the approval of the no confidence motion by the general body meeting held on 11.09.2023, was rejected.

4. The facts which lead to the filing of this Petition can be narrated in brief as under:

The Petitioner was elected as a Member of Gram Panchayat Kondhala. She was also elected as Sarpanch. On 04.09.2023, the Respondent Nos.5 to 12 have submitted a requisition to Tahsildar for convening the meeting for moving no confidence motion against the Petitioner as Sarpanch. Such meeting was convened on 11.09.2023. It is the case of the Petitioner that, the meeting was convened without issuing notice to her. Petitioner further makes grievance that though it is recorded in the minutes of the meeting that she was granted opportunity of hearing, in fact no such opportunity was given to her. It is also claimed by the Petitioner that, there was no proposal or seconder to the resolution. The resolution passed by the general body came to be challenged under Section 35(6) of the Maharashtra Village Panchayat Act, 1959 (for short "Act of 1959") before the Collector, Washim. Since the disqualification of the Petitioner as Sarpanch on the basis of no confidence motion came to be confirmed by the Collector, this Petition.

5. The learned Counsel for the Petitioner submits that, the Petitioner was not given the notice of the meeting in advance and in fact the notice was given on the same date and she was asked not to put the date on the acknowledgment. It is also his contention that, there was no discussion in the meeting of the general body and the meeting was concluded in short period of 10 minutes. There is also allegation that apart from the elected members of the Gram Panchayat others were permitted to remain present. It is

specifically argued that since the Petitioner was not provided with the reasons/grounds on which the no confidence motion was moved, the order passed by the Collector deserves interference.

6. Learned AGP for the Respondent Nos. 2 and 3/State, has invited the attention of this Court to the minutes recorded of the meeting dated 11.09.2023 and the written submission given by the Petitioner during the said meeting.

7. Section 35 of the Act of 1959 makes provision for motion of no confidence against Sarpanch/Upa-Sarpanch. Such motion of no confidence can be moved not less than 2/3 members of the Gram Panchayat. During this case, admittedly the motion has been moved by more than 2/3rd members of the Gram Panchayat. Similarly, after moving such motion, the meeting is required to be called within a period of 7 days, which has been duly called within a stipulated period. Since the motion of no confidence was against the Sarpanch, she could not have presided over the said meeting.

8. Now question arises as to whether the Petitioner was given notice in accordance with the rules and as to whether she was permitted to participate in the said meeting and to rebut the contentions/grounds sought to be raised for motion of no confidence. Though it is sought to be argued that no notice was given, admittedly, there is an acknowledgment on record indicating receipt of notice by the Petitioner. It is further sought to be canvassed that the grievances/grounds for no confidence motion were not communicated. This stand of Petitioner gets falsified from the

communication dated 04.09.2023, wherein specific reasons are mentioned for the no confidence motion. The contention of the Petitioner that, she was not given opportunity of hearing to speak in the general body meeting proves to be false in view of the written submissions given by her. The said submission in writing clearly indicates that over and above the oral statement made in the meeting, written submission was also permitted to be placed on record. Perusal of the said written submission clearly indicate that it was well within the knowledge of the Petitioner as to the reasons/grounds for which the no confidence motion was moved, as Petitioner sought to deny each of the grounds.

9. Perusal of the record maintained by the Secretary of the Gram Panchayat indicates that the opportunity was given for the Petitioner to speak. Over and above the said opportunity to speak, her written submission was also placed on record. All these facts clearly indicate that it is not the case of non-compliance of any of the provisions of Section 35 of the Act of 1959 read with the relevant rules of the Maharashtra Village Panchayats (Meetings) Rules, 1959.

10. Hence, no case is made out by the Petitioner to call interference in the impugned order. Hence, the Petition stands **dismissed**.

11. Pending application/s, if any, shall stand disposed of accordingly.

(R.M. JOSHI, J.)