



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

WRIT PETITION No. 3028/2024

PETITIONER : Sau. Ranjana Atmaram Watghure,
34 years, Occu. Agriculturist,
(Surpanch Grampanchayat Parsodi
(Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor,
Distt. Gondia

Vs.

RESPONDENTS : 1. The Collector, Gondia,
Tah. & Distt. Gondia.

2. Dayaram Motiram Lanje,
Aged about 70 years,
occu. : Deputy Surpanch
Grampanchayat Parsodi (Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia

3. Chandrabhan Bisan Tembhurne,
Aged about 45 years,
occu. Member Grampanchayat
Parsodi (Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia

4. Gulab Nilkanth Sakhare,
Aged about 55 years, Occu.
Member Grampanchayat Parsodi
(Raiyat), R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia

5. Mukesh Baburao Bhoyar,
Aged about 35,
Occu. Member Grampanchayat
Parsodi (Raiyat), R/o Parsodi
(Raiyat), Tah. Arjuni / Mor, Distt.
Gondia
6. Vanita Khushal Nagpure,
Aged about 40 years,
Occu. Member Grampanchayat
Parsodi (Raiyat), R/o Parsodi
(Raiyat), Tah. Arjuni / Mor, Distt.
Gondia
7. Sarita Najuk Lanje,
Aged about 40 years,
Occu. Member Grampanchayat
Parsodi (Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia
8. Sarita Chiranjiv Mharaskolhe,
Aged about 40 years,
Occu. Member Grampanchayat
Parsodi (Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia
9. Shalini Nikesh Varkhade
Aged about 30 years,
Occu. Member Grampanchayat
Parsodi (Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia

10. Dewangana Manoj Kambale,
Aged about 32 years,
Occu. Member Grampanchayat
Parsodi (Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia
11. Prakash Domaji Kore,
Aged about 35 years,
Occu. Member Grampanchayat
Parsodi (Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia
12. The Secretary, Grampanchayat
Parsodi (Raiyat),
R/o Parsodi (Raiyat),
Tah. Arjuni / Mor, Distt. Gondia
13. The Tahsildar, Tah. Arjuni / Mor,
Distt. Gondia

Mr. I.K. Dudhasare, Advocate for Petitioner
Mr. B.M. Lonare, AGP for respondents / State
Mr. R.D. Karode, Advocate for Respondent Nos.2 to 11
Mr. J.K. Matale, Advocate for Intervenor / applicant

CORAM: SACHIN S. DESHMUKH, J.

DATED : 21st AUGUST, 2025

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties at the stage of admission.

2. The petitioner raises an exception to the order rendered by the Collector, dismissing the appeal presented by the petitioner under Section 35(3) of the Maharashtra Village Panchayat Act, 1959 (For short, Act of 1959). The petitioner was elected as Sarpanch of the Grampanchayat which comprises 11 members. The petitioner is elected as Sarpanch amongst these elected members. The majority of the members i.e. 10 out of 11 have signed a requisition of no confidence motion against the petitioner for the grounds stated in the said requisition. After receipt of the requisition by the majority, a notice was served upon the petitioner. The petitioner participated in the said meeting and thereafter a motion of no confidence was passed against the petitioner by majority.

3. Aggrieved by the same, the petitioner has approached the appellate authority by presenting the appeal under Section 35(3) of the Act of 1959, raising contention that the notice of no confidence motion is illegal. The grounds on which the no confidence motion is moved are unfounded and politically motivated. Further contention was put-forth that the mandatory period for conducting the meeting is not adhered by the Tahsildar while convening the meeting for no confidence motion. The Collector while considering the fact that majority of 10 members have voted in favour of the no confidence motion. The petitioner has participated in the said meeting and the

will of the majority is to be taken into account, resultantly, dismissed the proceedings presented by the petitioner.

4. Aggrieved by the same, the petitioner has approached this Court. It is the contention of the counsel for the petitioner that the charges on which no confidence motion is moved are not proved since there is no enquiry in that regard and it is further submitted that the statutory period is not adhered while convening meeting of no confidence by the Tahsildar, as such, no confidence motion is vitiated on account of non-compliance of the statutory provisions, as such, proceeded to allow the petition.

5. Per contra, the Assistant Government Pleader and counsel for the respondents have supported the order of the Collector by submitting that the motion of no confidence passed by majority, as such, a democratic will of majority may not be invalidated and prayed for dismissal of the petition.

6. Admittedly, the motion of no confidence against the petitioner has been passed by majority i.e. 10 members have voted in favour of the no confidence motion. So far as contention of the petitioner in relation to that the charges on which no confidence motion was moved are not proved, deserves no consideration for the reason that it is always the democratic will of the majority that will prevail and the same cannot be invalidated on the grounds raised by the

petitioner. In any case, it is a democratic process, which takes over precedent and the same is done by majority of 10 members in favour of the no confidence motion, as such, the Collector has considered the same from the perspective of the principle of the democratic will of the majority and in the process the petitioner has admittedly participated in said motion which is passed against the petitioner, as such, no error could be noted in the order warranting any interference by this Court. Accordingly, the petition is dismissed. No order as to costs.

Rule is discharged.

(SACHIN S. DESHMUKH, J.)

MP Deshpande