



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

Writ Petition No.5170/2025
Vijay and others V Collector, Akola 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. R.D. Karode, Advocate for petitioners.
Mr. Madiwale, AGP for respondent nos. 1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 09-09-2025.

Heard Mr. Karode, learned Advocate for the petitioners.

2. The petitioners have challenged order dated 04-09-2025 passed by respondent no.1-Collector, Akola, thereby granting interim stay to the No-Confidence Motion which was also ratified by the Gram Sabha. Learned Counsel for the petitioners submits that there is no powers with the Collector to pass any interim orders under Section 35(3B) of the Maharashtra Village Panchayats Act (for short, 'the Act'). It is submitted that once the No-Confidence Motion is ratified, in view of the provisions of Section 35(3)(b) of the Act, the Sarpanch shall forthwith stop exercising all the powers and performing all the functions and duties of the office, and in view of this provision, it is submitted that the impugned order granting stay to the No-Confidence Motion defeats the very purport of the statutory provisions. The impugned order shows that the proceedings are fixed for 10-09-2025 and therefore Counsel for petitioners prays for interim relief.

3. In view of this, issue notice to the respondents, returnable after two weeks.
4. Learned AGP waives service of notice on behalf of respondent nos. 1 and 2.
5. In the meantime, interim relief in terms of prayer clause (ii) shall operate, which reads as under :-

“(ii) pending hearing and final disposal of the present petition, stay the effect, operation and implementation of the impugned order dated 04.09.2025 passed by the respondent no.1-learned Collector, Akola in Case No.M.V.P. Act, 1959-Sec.35(3)(b)/Januna (Wadala)/05/2025-26 (Annexure-H).”

(Prafulla S. Khubalkar, J.)