



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 14888 OF 2025**

BHAGWAT PRABHU MULE AND ANOTHER
VERSUS
THE COLLECTOR JALNA AND OTHERS

...

Mr. Swapnil Joshi h/f M/s. J. P. Legal Associates, Advocate for the Petitioners.

Mr. S. R. Yadav-Lonikar, AGP for Respondents-State.

Mr. Vishal S. Kakde, Advocate for Respondent No.4.

Mr. Atul M. Pawar h/f Mr. B. S. Deshmukh, Advocate for Respondent No.3.

...

AND

WRIT PETITION NO. 14937 OF 2025

SAVITA BHALCHANDRA SARODE

VERSUS

THE SATE OF MAHRASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. Vishal S. Kakde, Advocate for Petitioner.

Mr. S. R. Yadav-Lonikar, AGP for Respondents

Mr. Swapnil Joshi h/f M/s. J. P. Legal Associates, Advocate for Respondent Nos.5 and 11.

Mr. Atul M. Pawar h/f Mr. B. S. Deshmukh, Advocate for Respondent No.4.

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WITH

**CIVIL APPLICATION NO. 1790 OF 2026
IN WP/14937/2025**

SAVITA BHALCHANDRA SARODE

VERSUS

THE SATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 07th APRIL, 2026.

P.C.:-

1. The present Writ Petitions takes exception to notice dated 07.12.2025 of Gram Sabha in terms of Section 35(3B) of

Maharashtra Village Panchayat Act (for short 'MVP Act') for ratification of no confidence motion.

2. The petitioner contends that he is directly elected Sarpanch of Village Panchayat, Chinchkheda, Tal. Jafrabad, District Jalna. On 31.10.2025, members of Village Panchayat submitted requisition for no confidence motion against petitioner. On 06.11.2025 special meeting to discuss no confidence motion was convened. It was declared that no confidence motion was passed against petitioner. On 12.11.2025, special meeting for ratification by Gram Sabha was convened. However, it could not proceed further. On 07.12.2025, second notice for ratification in terms of Section 35(3)(b) of MVP Act was issued to convene Gram Sabha on 12.12.2025. Therefore, it is contention of petitioner that special meeting requires to be convened within period of 15 days from passing of motion by an Officer appointed by Collector in this behalf. In present case, motion of no confidence alleged to have been passed in meeting dated 06.11.2025. The notice to convene Gram Sabha for ratification is issued on 07.12.2025, which is beyond stipulated period of fifteen days prescribed under Clause (b) of Sub-section (3) of Section 35 of MVP Act, which is invalid. The petitioner places reliance on observations of this Court in case of ***Amol Pandurang Godbole Vs. Collector, nanded, Dist. and Others¹*** to contend that in absence of notice of Gram Sabha, which

¹ 2022 SCC OnLine Bom 117.

is to be held within 15 days for convening Gram Sabha as mandated under Act, further action pursuance to such notice would be invalid.

3. Per contra, Mr. Joshi, learned Advocate appearing for respondents submits that this Court vide order dated 10.12.2025 permitted calling of Gram Sabha for ratification of no confidence motion as directed by Collector. Accordingly, no confidence motion passed against petitioner has been ratified by Gram Sabha. Mr. Joshi would further point out that petitioner has already filed dispute before District Collector under Section 35(3B) of MVP Act raising challenge to validity of motion carried under sub-section (3). As such, nothing survives for consideration in present Writ Petition.

4. The Scheme under Section 35 of MVP Act prescribes procedure to be carried in motion of no confidence against Sarpanch or Upa-Sarpanch. Sub-clause (b) of sub-section (3) of Section 35 of MVP Act is special provision where motion of no confidence is directed against directly elected Sarpanch. It prescribes that if motion of no confidence against directly elected Sarpanch is carried, same shall be ratified by Gram Sabha, in special meeting convened, within fifteen days from passing of such motion, by an officer appointed by Collector in this behalf. It further stipulates that after such ratification of motion by Gram

Sabha, Sarpanch shall forthwith stop, exercising all powers and performing all functions and duties of office, which shall vest in Upa-Sarpanch. Sub-section (3B) of Section 35 stipulates that Sarpanch or Upa-Sarpanch, as the case may be, can dispute validity of motion within seven days from date of which such motion was carried and refer dispute to Collector, who shall decide it.

5. In present Writ Petitions, although there is challenge to validity of notice of Gram Sabha convened for ratification of no confidence motion on ground that it is beyond time line prescribed under statute, while passing interim order dated 10.12.2025, this Court permitted calling of Gram Sabha for ratification without prejudice to rights of parties. Now Gram Sabha is convened and it is alleged that motion of no confidence is ratified. However, petitioner's right to dispute validity of motion of no confidence as well as its ratification cannot be taken away. The petitioner has already approached District Collector by filing Appeal. The District Collector is competent to rule upon validity of notice of special meeting and consequential validity of no confidence motion.

6. In that view of mater, Writ Petitions stand disposed of with direction to District Collector to decide pending dispute filed by petitioner within period of one month from today.

7. Till decision in dispute, election program to post of Sarpanch of village panchayat Chinchkheda, Taluka Jafrabad, District Jalna be kept in abeyance.

8. In view of disposal of Writ Petitions, pending Civil Application also stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026