IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13239 OF 2026

Dattatraya Ramchandra Jori ...Petitioner

Versus

The State of Maharashtra & ors. ...Respondents

Mr. Kuldeep Patil, a/w Ms. Yukta Sawant, for the Petitioner.

Smt. Savita Prabhune, AGP for Respondent Nos. 1 & 2.

Mr. Shailesh Chavan, for Respondent Nos. 4 – 10.

CORAM : N. J. JAMADAR, J.
DATE : 07th OCTOBER 2026

SAINATH SANJAY BODKHE
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Date: 2026.10.08 15:50:07 +0530

Oral Order :-

1. Heard the learned Counsel for the petitioner.

2. The challenge in this petition is to the judgment and order dated 09th September, 2026 passed by the Additional Collector, Pune, whereby an appeal preferred by the petitioner – Sarpanch of the Village Panchayat, Jambut, Tq. Shirur, Dist. Pune, against whom a Motion of No Confidence was passed by the Members of the Village Panchayat on 04th May, 2026, came to be dismissed.

3. Mr. Patil, the learned Counsel for the petitioner, submitted that, the petitioner had raised objections to the conduct of the special meeting of the Village Panchayat and had demanded that

the voting be held by secret ballot as a few members of the Village Panchayat were under threat and coercion, and that two of the members were not eligible to vote as they were defaulters. The Presiding Officer did not consider those objections. In the appeal also, the Additional Collector has not properly appreciated those objections and dismissed the appeal.

4. From the perusal of the resolution passed by the Village Panchayat in the special meeting convened on 04th May, 2026, in accordance with the Bombay Village Panchayats Sarpanch and Up-Sarpanch (No Confidence Motion) Rules, 1975, it becomes evident that, out of the 10 members of the Village Panchayat, one member was absent, eight members had voted in favour of the No Confidence Motion and one member voted against the motion. The motion of No-Confidence was, thus, passed by three-fourth majority.

5. Since the motion was carried by majority, the challenge in the petition cannot be sustained as in the matter of Motion of No Confidence, it is the will of the majority that prevails. Once the resolution of No-Confidence is passed by the requisite majority and in consonance with the statutory prescription, the person against whom such a resolution is passed, must honour

the will of the majority and make way for his successor. (***Nimba Rajaram Mali Vs. The Collector, Jalgaon & ors.***[1])

6. As regards the grievance of not holding the vote by secret ballot, suffice to note that, under Rule 28 of the Bombay Village Panchayats (Meetings) Rules, 1959, votes shall ordinarily be taken by word of mouth or by a show of hands but may, if the majority of members present so decide, be taken by ballot. Thus it is not peremptory that, vote on Motion of No Confidence be taken by secret ballot. In the instant case, the Presiding Officer had rejected the request of the petitioner to hold the voting by secret ballot.

7. In the case of ***Shila w/o Vijay Chavan Vs. State of Maharashtra & ors.***[2], a learned Single Judge of this Court held that, under the provisions of Bombay Village Panchayats (Meetings) Rules, 1959, the Presiding Officer was not bound to invite the members present in the meeting convened for consideration of the Motion of No-Confidence to demand the voting by secret ballot. Nor was it essential for the Presiding Officer to pass the specific orders on the written application for voting by secret ballot if the majority did not ask for it.

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1 AIR 1999 BOMBAY 335

2 2024 (4) Mh.L.J. 395

8. It would also be relevant to note that, in the case of *Tatyasaheb Ramchandra Kale Vs. Navnath Tukaram Kakde*[3], a Full Bench of this Court has enunciated that, the infraction in the matter of compliance of Rule 17 of the Bombay Village Panchayats (Meetings) Rules, 1959, cannot impinge upon the validity of the motion of no-confidence which has otherwise been passed by fulfilling the requirement of Section 35(3) of the Maharashtra Village Panchayat Act, 1959.

9. The Additional Collector has found that, there was no substance in the objections of the petitioner that, two of the members of the Panchayat who participated in the meeting were the defaulters. There is no reason to interfere with such finding of fact.

10. In the aforesaid view of the matter, the petition does not deserve to be entertained.

11. The Writ Petition stands dismissed.

[N. J. JAMADAR, J.]

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3 AIR 2015 BOMBAY 87