



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

WRIT PETITION NO. 6998 OF 2025

Sunil s/o Prakash Nanote
Aged about 45 years, Agriculturist,
Sarpanch, Grampanchayat, Ujleshwar,
R/o. Ujleshwar, Tq. Barshitakli,
Dist. Akola.

... Petitioner

Versus

1. The Collector,
Collectorate, Akola.

2. Shri Rupesh Sadashiv Nanote,
Age : Major, Up-Sarpanch, Grampanchayat,
Januna (Wadala), Grampanchayat, Ujleshwar,
R/o. Ujleshwar, Tq. Barshitakli,
Dist. Akola.

... Respondents

3. Sau. Sarlabai Omprakash Jadhav
Age : Major, Member, Grampanchayat,
Ujleshwar, R/o Ujleshwar, Tq. Barshitakli,
Dist. Akola.

4. Sau. Lalitabai Ambadas Rathod,
Age : Major, Member, Grampanchayat,
Ujleshwar, R/o Ujleshwar, Tq. Barshitakli,
Dist. Akola.

5. Shri Amol Bhaurao Nanote,
Age : Major, Member, Grampanchayat,
Ujleshwar, R/o Ujleshwar, Tq. Barshitakli,
Dist. Akola.

6. Shri Anil Pundlik Dhawale
Age : Major, Member, Grampanchayat,
Ujleshwar, R/o Ujleshwar, Tq. Barshitakli,
Dist. Akola.

7. Smt. Jayshree Digambar Nanote,
Age : Major, Member, Grampanchayat,
Ujleshwar, R/o Ujleshwar, Tq. Barshitakli,
Dist. Akola.

8. Sau. Sulbha Manoj Nanote
Age : Major, Member, Grampanchayat,
Ujleshwar, R/o Ujleshwar, Tq. Barshitakli,
Dist. Akola.

9. Secretary, Grampanchayat, Ujleshwar,
R/o Ujleshwar, Tq. Barshitakli,
Dist. Akola

Mr. S.D. Chopde, Advocate for petitioner.
Ms. Prachi Joshi, AGP for respondent No.1/State.
Mr. S.S. Dhengale, Advocate for respondent No.2.
Mr. R.V. Palasagar, Advocate for respondent Nos.3 to 7.
Mr. K.S. Malokar, Advocate for respondent No.9.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 06.04.2026

JUDGMENT:

Heard.

(2) **Rule.** Rule made returnable forthwith. Heard finally by the consent of the learned counsel for the rival parties.

(3) The petitioner, an elected Sarpanch of Gram Panchayat Ujaleshwar, Taluka-Barshitakli, District-Akola, has challenged the order dated 13.10.2025, passed by the Collector, Akola, upholding the no-confidence motion against him.

(4) The petitioner claiming to be an elected Sarpanch of the Gram Panchayat challenged the motion of no-confidence by filing a dispute/application under Section 35(3B) of the Maharashtra Village

Panchayat Act, before the respondent No.1 and raised several grounds including lack of proper service of notice upon him. The parties appeared before the respondent No.1 and after considering the contentions of all the parties, the respondent No.1 passed order dated 13.10.2025 and rejected the appeal, which is subjected to challenge by way of instant petition.

(5) While assailing the motion of no-confidence and the order passed by the Collector, learned counsel for the petitioner primarily submitted that the special meeting for holding the no-confidence motion was convened without effecting proper service of notice of meeting, upon the petitioner. He submitted that the petitioner is residing in House No.36-A, and the notice of meeting was affixed on the house bearing House No.46-A, which is owned by the mother of the petitioner. He submitted that the petitioner is residing separately from his mother, and the affixing of the notice on the mother's house cannot be considered to be a proper and complete service upon him. He submitted that the motion of no-confidence was passed in the meeting held behind back of the petitioner, and the petitioner was deprived of participating in the meeting. He thus submitted that the impugned motion of no-confidence and the order passed by the Collector, are unsustainable in law.

(6) *Per contra*, learned AGP as well as learned counsel for the

respondents vehemently opposed the petition and submitted that the motion of no-confidence was passed in a properly convened meeting by scrupulously following the entire procedure. It is submitted that the notice of the meeting was also affixed on a conspicuous place at the house of the petitioner and in fact, the house of the petitioner and his mother is adjacent to each other, having same entrance gate. It is submitted that the petitioner has lost the confidence of the members, and the motion of no-confidence was passed by majority of six members and since six members out of eight voted in favour of the motion of no-confidence, the same needs no interference. It is also submitted that the no-confidence motion was ratified by the Gram Sabha, and as such, no interference is warranted.

(7) While considering the rival contentions, it has to be seen that the requisition for no-confidence was submitted by the respondent Nos.2 to 7 on 16.07.2025 and pursuant thereto, a special meeting was held on 21.07.2025. In that meeting, six members voted in favour of the motion of no-confidence and it was duly passed. It is pertinent to note that although the petitioner has claimed to be a resident of House No.36-A, which is separate from the house of his mother bearing House No. 46-A, it is crucial to note that both the houses are touching to each other and having common entrance. It has also to be noted that the notice of no-confidence motion was served by

affixing the same on the door of the petitioner's house and the same was done in presence of several persons by recording a Panchnama in that regard. It thus becomes clear that the no-confidence motion was passed by following the entire procedure of convening a proper meeting, with prior service of notice upon the Sarpanch and passing of the resolution by the requisite majority. The contentions raised by the petitioner alleging that there is lack of service of notice upon him, are not at all established, particularly in view of the fact that the notice was affixed on the petitioner's house, although shown to be occupied by his mother.

(8) By considering the overall factual situation, it cannot be concluded that the petitioner was not aware about the meeting which was convened for considering the motion of no-confidence. As such, the contentions canvassed on behalf of the petitioner in this regard are not acceptable.

(9) It is crucial to note that the motion of no-confidence was passed by the requisite majority of six members out of eight members, who were present, and as such, no fault is seen in that regard. It has to be noted that the petitioner has lost the confidence of the members and is bound to respect the will of the majority members.

(10) A perusal of the impugned order shows that the respondent No.1-Collector, has given due consideration to all the relevant factual and legal aspects. Even the contentions canvassed on behalf of the petitioner about service of notice upon him and the compliance with other requirements while passing the motion of no-confidence have been properly considered. On perusal of the impugned order, it is clear that the same is passed by recording proper reasons, and no perversity is seen warranting interference.

(11) In view of the above mentioned factual and legal aspects, no interference is warranted with the impugned order and the writ petition is accordingly dismissed. Rule stands discharged. No order as to costs.

[Prafulla S. Khubalkar, J.]

Prity