

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2116 of 2026**

=====

KRISHNABEN KAUSHIKBHAI THAPANIYA & ANR.

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR HARDIK D MUCHHALA(5634) for the Petitioner(s) No. 1,2

MR SAHIL TRIVEDI, ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1,3

=====

CORAM: HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 17/02/2026

ORAL ORDER

1] By way of this petition under Article 226 of the Constitution of India, the petitioners being President and Vice President of Mangrol Municipality, have called in question the legality and the validity of requisition dated 13th January 2026 for 'No Confidence Motion' issued by the Chief Officer, Mangrol Nagarpalika, District : Junagarh.

[2] It is the case of the petitioner that they were elected as President and Vice President on 05th March 2025 and diligently worked for the benefits of the Mangrol Municipality, however, just after a period of ten months of their being elected as President and Vice President, sixteen members out of thirty six have brought requisition of 'No Confidence Motion'.

[3] Heard learned advocate Mr. Hardik Muchhala, for the petitioners, and learned Assistant Government Pleader Mr. Sahil Trivedi for the respondent No.1.

[4] Considering the law laid down by the Division Bench of this Court in the case of **Shivangiben Chetankumar Patel vs. State of Gujarat and others** reported in **2019(2) GLR 865**, more particularly, in paras 39 to 43, it is observed that motion of no- confidence in such a short time, if permitted and the Sarpanch is removed, it will be against the interest of continuity and stability of the Panchayat. The relevant observations made by the Division Bench of this Court in the case of **Shivangiben Chetankumar Patel (supra)** in paras 39 to 43 are quoted hereinbelow:

“39. In view of the fact that continuity and stability of Panchayati Raj Institutions is one of the objectives of Constitutional 73rd Amendment Act, 1992, if no confidence motion is moved against elected Sarpanch immediately after election, without even permitting said elected Sarpanch to work for reasonable time to discharge his / her functions, and obligation as contemplated under section 55 of the Panchayats Act, any move for removal by way of no confidence motion immediately after election will run contrary to the spirit and object behind 73rd Constitutional Amendment Act, 1992.

40. Though the appellant is elected in the election held on 27.12.2016 by the qualified voters of Panchayat, she is sought to be removed by way of no confidence motion by the members of Panchayat barely within a period of one month from the date of declaration of election. Though no reasons are required to be mentioned for moving no confidence motion, but unless elected Sarpanch is allowed to

work for reasonable time, moving no confidence motion on the allegation that members of the Panchayat have lost confidence is illegal and arbitrary. If the same is permitted, it will result in vicious circle, as much as, there is no disqualification attached once Sarpanch is removed by way of no confidence motion, unlike disqualification attached to removal as contemplated under Section 57 of the Panchayats Act. It is fairly well settled that if a person is removed by way of no confidence motion, it is neither censure motion nor punitive one and it will not attach any disqualification for future contest.

41. Once elected candidate is removed by way of no confidence motion, resulting in vacancy, again the very same person may contest and also win the immediate election. Same cannot be the scheme under the provisions of the Gujarat Panchayats Act, 1993, which is enacted to bring law relating to panchayat in tune with provisions under Chapter IX of the Constitution of India.

42. Then the next question which arises is, in absence of any restriction for a particular time under section 56 of the Act, what should be the reasonable time, within which time no confidence motion cannot be permitted, so as to read into section 56 of the Gujarat Panchayats Act. Reasonable time is nothing but a time that is fairly required to do whatever is required to be done, conveniently under the permitted circumstances. Reasonable time varies from the contextual meaning, under which it is used. In short, the reasonable time is any time which is not manifestly unreasonable under the circumstances.

43. Under section 13 of the Gujarat Panchayats Act, 1993, every panchayat, unless sooner dissolved under this Act shall continue for five years from the date appointed for its first meeting and no longer. Keeping such provisions in mind, and executive functions entrusted to the elected Sarpanch under Section 55 of the Panchayat Act, and object of the 73rd Constitutional Amendment Act, 1992 i.e.

continuity and stability of Panchayati Raj institutions, we deem it appropriate that reasonable time of one year should be considered as reasonable time, within which time, no motion could be permitted for removal of elected Sarpanch by way of no confidence motion as contemplated under section 56 of the Gujarat Panchayats Act from the date of declaration of result. Similarly, once, no confidence motion is moved and defeated, same cannot be permitted for a period of one year from the date of such defeat.”

[5] Keeping in mind the aforesaid law laid down by the Division Bench of this Court, let Notice be issued to the respondents, returnable on 10.03.2026. Learned A.G.P. Mr. Sahil Trivedi waives service of notice on behalf of respondent No.1 – State of Gujarat.

[6] In the meantime, there shall be an ad-interim relief in terms of paragraph No.8(C).

Direct service qua other respondents is permitted.

(NIRAL R. MEHTA,J)

NIHAL PATEL