



( 1 )

907-CA-5522-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 5522 OF 2025  
IN WP/5991/2025

Vidya Arun Badadhe

VERSUS

The State Of Maharashtra Through Its Department Of Rural And Others

WITH

WRIT PETITION NO. 5991 OF 2025

WITH

CIVIL APPLICATION NO. 5523 OF 2025

IN WP/5991/2025

...

Mr. Yuvraj Kakde h/f Mr. Y. S. Choudhari, Advocate for Applicant.

Mr. K. B. Jadhavar, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 9<sup>th</sup> MAY 2025

PC :-

1. Heard the learned Advocate for the Applicant.
2. This Court has already issued notice by an order dated 6<sup>th</sup> May 2025, returnable on 17<sup>th</sup> June 2025. Now, by way of civil application, the petitioner has now produced on record a copy of the communication dated 5<sup>th</sup> May 2025 issued by the Block Development Officer, Panchayat Samiti Shevgaon. Now, the Gram Sevak is directed to hand over the

charge for the post of Sarpanch to Upasarpanch. He submits that there are two grounds involved in this petition. He submits that the main ground in the petition is that the no confidence motion was passed by the member needs to rectify in the gram sabha within 15 days from the date of passing such resolution by the members.

3. Section 35 (3) clause (B) reads as under:

“If the Sarpanch or, as the case may be, the Upa-Sarpanch desires to dispute the validity of the motion carried under sub-section (3), he shall, within seven days from the date on which such motion was carried, refer the dispute to the Collector who shall decide it, as far as possible, [within thirty days from the date on which it was received by him; and his decision shall be final] [These words were substituted for the words 'within fifteen days from the date on which it was received by him; and any such decision shall, subject to an appeal under sub-section (3C), be final.' by Maharashtra 16 of 2012, Section 3(ii) (w.e.f. 2-10-2012).].”

4. It is clear that the ratification needs to be clear within 15 days. In the present case, no confidence motion was carried and was passed on 21<sup>st</sup> January 2025. Since, no confidence motion was carried, the said was required to be ratified within 15 days. However, the Gram Sabha was held on 21<sup>st</sup> April 2025, after almost three months. This Court is of the opinion that the case is made out to grant ad-interim relief.

5. In view of the same, issue notice to the Respondents, returnable on

17<sup>th</sup> June 2025.

6. Till the next date, there shall be ad-interim relief in terms of prayer clause (C), if charge is not already handed over.

**CIVIL APPLICATION NO.5523 OF 2025**

7. This civil application is moved for seeking leave to amend the petition. In view of the subsequent development, this Court finds that application can be allowed. Civil Application stands allowed.

8. Necessary amendment be carried out within one weeks from today.

9. Amended copy of the petition be served upon other side.

10. Parties to act upon an authenticated copy of this order.

**[KISHORE C. SANT, J.]**