IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5315 OF 2026

Santosh Sopan Mehtre
Age: 52 years, Occu: Social Work/ Agri.,
R/o Karjat, Tq. Karjat,
Dist. Ahilyanagar.

.....PETITIONER

VERSUS

1. The District Collector,
Ahilyanagar

2. The Sub Divisional Officer,
Karjat-Jamkhed Sub Division,
Dist. Ahilyanagar.

3. The Chief Officer,
Nagar Panchayat, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

4. Satish s/o Uddhavrao Patil,
Age: 59 years, Occ. Agri.,
R/o Patil Galli, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

5. Jyoti w/o Lalasaheb Shelke,
Age: 43 years, Occ. Household,
R/o Walwad Road, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

6. Lankabai w/o Devidas Kharat
Age: 47 years, Occ. Household,
R/o Kharat Vasti, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

7. Amrut s/o Shridhar Kaldate,
Age: 47 years, Occ. Agri.,
R/o Belekar Colony, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

8. Suvarna w/o Ravindra Supekar,
Age: 40 years, Occ. Household,
R/o Navhi Galli, Main Road, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

9. Pratibha w/o Nandkishor Bhailume,
Age: 55 years, Occ. Household,
R/o Siddharth Nagar, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

10. Chhaya w/o Sunil Shera,
Age: 45 years, Occ. Household,
R/o Kapre Wadi Road, Karjat,
Tq Karjat, Dist. Ahilyanagar.

11. Tarabai w/o Suresh Kulte,
Age: 60 years, Occ. Household,
R/o Sonar Galli, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

12. Monali w/o Onkar Tote,
Age: 38 years, Occ. Household,
R/o Yasin Nagar, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

.....**RESPONDENTS**

Mr. Sanjeev Deshpande, Sr. Adv i/b Mr. S. S. Gangakhedkar, Advocate for the Petitioner
Mr. A. B. Girase, GP for Respondents-State
Mr. S. A. Gaikwad and Mr. N. V. Gaware, Advocate for Respondent no.3
Mr. Rajendrraa Deshmukkh, Sr. Adv a/w Ms. Ashwini Deshmukh i/b Mr. A. P. Avhad, Advocate for Respondent nos.4 to 12
Mr. Anil Sakhre, Sr. Adv i/b Mr. Manish Kelkar and Mr. P. G. Tambade, Advocate for Respondent no.10

WITH
CIVIL APPLICATION NO. 5688 OF 2026
IN WP/5315/2026
WITH
CIVIL APPLICATION NO. 5545 OF 2026
IN WP/5315/2026
WITH

CIVIL APPLICATION NO. 5546 OF 2026
IN WP/5315/2026

AND
WRIT PETITION NO. 5797 OF 2026

Rohini w/o Sachin Ghule
Age: 35 years, Occu: Household & Social Worker,
R/o. Ward No.4, Nagar Panchayat Area,
Karjat, Tal. Karjat, Dist. Ahilyanagar.

.....PETITIONER

VERSUS

1. The District Collector,
Ahilayanagar

2. The Sub Divisional Officer,
Karjat-Jamkhed Sub Division,
Dist. Ahilyanagar.

3. The Chief Officer,
Nagar Panchayat, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

4. Satish s/o Uddhavrao Patil,
Age: 59 years, Occ. Agri.,
R/o Patil Galli, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

5. Jyoti w/o Lalasaheb Shelke,
Age: 43 years, Occ. Household,
R/o Walwad Road, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

6. Lankabai w/o Devidas Kharat
Age: 47 years, Occ. Household,
R/o Kharat Vasti, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

7. Amrut s/o Shridhar Kaldate,
Age: 47 years, Occ. Agri.,
R/o Belekar Colony, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

8. Suvarna w/o Ravindra Supekar,
Age: 40 years, Occ. Household,
R/o Navhi Galli, Main Road, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

9. Pratibha w/o Nandkishor Bhailume,
Age: 55 years, Occ. Household,
R/o Siddharth Nagar, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

10. Chhaya w/o Sunil Shelar,
Age: 45 years, Occ. Household,
R/o Kapre Wadi Road, Karjat,
Tq Karjat, Dist. Ahilyanagar.

11. Tarabai w/o Suresh Kulthe,
Age: 60 years, Occ. Household,
R/o Sonar Galli, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

12. Monali w/o Onkar Tote,
Age: 38 years, Occ. Household,
R/o Yasin Nagar, Karjat,
Tq. Karjat, Dist. Ahilyanagar.

13. Ram s/o Shankar shinde,
Age: 52 years, Occu: MLA,
R/o Dhnyaneshwari,
Mount Pleasant Road, Malabar Hills,
Mumbai, Dist. Mumbai.

14. Somnath Bachkar,
Age: 36 years, Occu: Service
R/o Eknath Nagar
College Road, Rahuri,
Tal. Rahuri, Dist. Ahilyanagar.

15. Santosh s/o Sopanrao Mehetre,
Age: 52 years, Occu. Social work/ Agri.
R/o. Karjat, Tal. Karjat,
Dist. Ahilyanagar.

.....RESPONDENTS

Mr. Ramesh N. Dhorde, Sr. Adv a/w Mr. P. S. Dighe i/b V. R. Dhorde, Advocate for the Petitioner
Mr. A. B. Girase, GP for Respondents-State
Mr. S. A. gaikwad and Mr. N. V. Gaware, Advocate for respondent No.3
Mr. Rajendrraa Deshmukkh, Sr. Adv a/w Ms. Ashwini Deshmukh i/b A. P. Avhad, Advocate for Respondent nos.4 to 12
Mr. Anil Sakhare, Sr. Adv i/b Mr. Manish Kelkar and Mr. Pradeep G. Tambade, Advocate for Respondent no.13
Mr. Shaikh Ashraf Patel, Advocate for Respondent no.14
Mr. Sanjeev Deshpande, Sr. Adv i/b Mr. S. S. Gangakhedkar, Advocate for Respondent no.15

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CORAM : KISHORE C. SANT &
AJIT B. KADETHANKAR, JJ.

RESERVED ON : 30TH JUNE, 2026

PRONOUNCED ON : 01ST JULY, 2026

JUDGMENT :- (Per Ajit B. Kadethankar J.)

1. Rule. Rule made returnable forthwith in both Writ Petitions. At the instance of the parties, we heard these petitions for final disposal. We find that our interference is sought to answer three situations here i.e.

(i) Whether there is any legal nexus between the proceedings under the Maharashtra Local Authority Members' Disqualification Act, 1986 with Rules of 1987 thereunder ("the Act of 1986 and Rules of 1987" for brevity) AND the proceeding u/s 341-B-5 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act 1965 ("the Act of 1965" for brevity) .

(ii) Whether if in the peculiar facts, change in Groupleader **(गटनेता)** is permissible in terms of the law laid down by the Honorable Supreme Court in the case of ***Sunil Haribhau Kale Versus Ashwin Mardikar and ors. (Civil Appeal No.2080 of 2015)***.

(iii) Whether if the proceedings u/s 341-B-5 of the Act of 1965, the procedure under the Act of 1986 and the proceeding recording change in Groupleader are undertaken by the District Collector meaningfully or with colorable exercise of power.

2. Preface

The controversies placed and argued before us are full of the parties' actions and reactions playing hide and seek with each others.

a) Petitioner in Writ Petition No.5315 of 2026 (Santosh Mehtre) is a 'Groupleader' of a post-election coalition (Aaghadi-आघाडी) who is removed by the majority members of the said coalition; while Petitioner in Writ Petition No. 5797 of 2026 (Smt.Rohini Ghule) is the President of Karjat Nagar Panchayat, district Ahilyanagar who is called upon to face No Confidence Motion u/s 341-B-5 of the Act of 1965.

b) In reaction to the move undertaken by the majority members of the Aaghadi for change of Groupleader, Mr. Santosh Mehtre issued whip to those members to abstain from conducting and participating in any such meeting to dislodge him.

c) Majority members of the Aaghadi defied the command of the Groupleader, conducted meeting and resolved to displace Mr. Santosh Mehtre and elected one Mr. Satish Patil as new Groupleader.

d) While the majority Aaghadi Members filed proceeding before the District Collector Ahilyanagar for recording the change in the name of Groupleader, the dislodged Groupleader Mr. Santosh Mehtre lodged proceeding under the Act of 1986 and Rules of 1987 seeking disqualification of those 09 members for casting away his whip.

e) On 07.05.2026, the District Collector approved change of Groupleader as resolved by the majority Aaghadi Members and turned down the objection raised by outgoing Groupleader Mr. Santosh Mehtre.

f) In an another move on 07.05.2026 itself, 13 out of total 17 elected members of the Karjat Nagar Panchayat (“Karjat NP” for brevity) moved a No Confidence Motion requisition u/s 341-B-5 of the Act of 1965 against the President of Karjat NP.

The District Collector convened a meeting. Feeling aggrieved thereby, the President Smt. Rohini Ghule approached this Court vide Writ Petition No.5797 of 2026.

g) The parties got the matters tagged together and those are placed before this Bench for hearing.

3. <u>Sequential facts:</u>

In view of the complex proceedings taken up by the parties, it is needful to meticulously note the sequence of events as follows.

(i) Post general elections 2022 for Karjat Nagar Panchayat in district Ahilyanagar, the elected members of Nationalist Congress Party ("NCP" for brevity) and Indian National Congress ("INC" for brevity) formed a coalition under the name and style as Karjat Municipal Panchayat Nationalist Congress Party Group ("Aaghadi-आघाडी" for brevity). There are total 17 members in the Karjat NP [NCP-12 , INC- 03 and 02 belonging to BJP].

(ii) On 04.02.2022, the members of the Aaghadi lodged an application with the District Collector, Ahilyanagar for registering the 'Aaghadi' in conformity with the provisions of Act of 1965 and Act of 1986 with Rules of 1987. The members of the group condensed their understanding, agreement, object and the rules of Aaghadi into writing vide a memorandum/constitution ("Aaghadi Rules" for brevity). These Aaghadi Rules are part of the Aaghadi registration.

(iii) In terms of the Aaghadi Rules, the members of the Aaghadi elected one Mr. Santosh Mehtre as its Groupleader (गटनेता), and one Satish Patil as Deputy Groupleader (उप गटनेता).

(iv) Acceding to the proposal submitted by the Aaghadi, the District Collector Ahilyanagar registered the "Aaghadi" on 18.02.2022. Names of the Groupleader and Deputy Groupleader were taken on record.

(v) However, in 2025 differences cropped between the Groupleader Mr. Santosh Mehtre and some members of the Aaghadi. The members were unhappy with the conduct and performance of their Groupleader Mr. Santosh Mehtre.

(vi) On 17.04.2025, one Amrut Kaldate - a member of Aaghadi lodged a proceeding before the District Collector for replacement of the Groupleader and Deputy Groupleader. This proceeding was closed by the District Collector without taking any decision.

(vii) Feeling aggrieved thereby, Amrut Kaldate filed Writ Petition No.5741 of 2025 before this Court. Learned Single Judge of this Court disposed of the Writ Petition No.5741 of 2025 directing the District Collector, Ahilyanagar to take appropriate decision on the application within a period of 03 weeks. Amrut's application was restored for that purpose.

(viii) Upon remittance of the matter before the District Collector, he conducted inquiry on removal and replacement of the Groupleader and Deputy Groupleader. The change in the record was based upon a meeting dated 26.03.2025 purportedly held for the change. The District Collector recorded his finding that 11 out of 15 members denied that any meeting was held on 26.03.2025, and they also denied their signatures on the papers showing the minutes of meetings. The District Collector, Ahilyanagar therefore turned down Amrut's application for change in the record of the Aaghadi vide his order dated 09.05.2025.

(ix) Amrut Kaldate impugned the District Collector's order dated 09.05.2025 vide Writ Petition No.6739 of 2025. The said Writ Petition is pending consideration before the Learned Single Bench of this Court.

(x) Thereafter on 20.04.2026, Deputy Groupleader of the Aaghadi – Mr. Satish Patil convened a meeting of the Aaghadi to be conducted on 24.04.2026. Subject No.3 in the meeting agenda was to remove the Groupleader Mr. Santosh Mehetre.

(xi) Learning this move against him, Mr. Santosh Mehtre- the Groupleader addressed a letter on 21.04.2026 to Mr. Satish Patil (Deputy Groupleader @ convener of the meeting), objecting to the meeting scheduled on 24.04.2026. He mentioned that the meeting is

contravention with the Aaghadi Rules and must not be conducted. Mr. Satosh Mehtre also wrote down that convenor Mr. Satish Patil stands dislodged from the post of Deputy Groupleadership of the Aaghadi.

(xii) On 21.04.2026 itself, the then Groupleader Mr. Satosh Mehtre lodged his objection with the District Collector requesting not to take any change on record on the basis of any meeting convened by Mr. Satish Patil and ors.

(xiii) On 23.04.2026, Mr. Santosh Mehtre issued notices to the rebelling members thereby intimating them not to conduct and not to attend any meeting on 24.04.2026 or else, to face disqualification for violating the whip as per the Aaghadi Rules.

(xiv) Apparently, none of the rebelling members responded the call given by Mr. Santosh Mehtre.

(xv) Accordingly, the meeting of the Aaghadi was conducted on 24.04.2026 at about 10.00 am. 09 out of 15 Aaghadi Members attended the meeting and unanimously favored in the resolutions proposed in the meeting. Resultantly by majority, the Aaghadi members removed Mr. Santosh Mehtre from the post of Groupleader of the Aaghadi and elected Mr. Satish Patil as the new Groupleader.

(xvi) Consequent to the aforesaid changes, the newly elected Groupleader - Mr.Satish Patil filed an application on 24.04.2026

before the District Collector, Ahilyanagar to take the change on record.

(xvii) The District Collector, Ahilyanagar issued notice to all Aaghadi Members on 27.04.2026 calling upon them to attend hearing on both the applications filed by Mr. Santosh Mehtre and Mr. Satish Patil respectively.

(xviii) On 29.04.2026, Mr. Santosh Mehtre appeared before the District Collector and sought an adjournment. He also filed another application thereby seeking disqualification of the 09 members for not obeying his command dated 23.04.2026. He contended that his notice dated 23.04.2026 was a 'whip' within the meaning of the Aaghadi Rules; and that those 09 members stand disqualified due to violation of the whip. Mr. Santosh Mehtre also sought declaration that the meeting dated 24.04.2026 conducted to remove him as Groupleader was illegal having been conducted bereft of any authority.

(xix) At the instance of Mr. Santosh Mehtre, the hearing was adjourned to 05.05.2026. During the hearing dated 05.05.2026, all the parties were present. The District Collector called upon Mr. Santosh Mehtre to demonstrate majority in his favor by the next date i.e. on 07.05.2026 to defeat 'the change proposed by the other faction'.

(xx) On 07.05.2026, the hearing was conducted by the District Collector, Ahilyanagar on the issues. The District Collector observed that in view of law laid down by the Honorable Supreme Court in "***Civil Appeal no.2080 of 2015*** *in a case of* ***Sunil Haribhau Kale Versus Avinash Mardikar and ors***.", the decision in change of Groupleadership was resolved by majority in the Aaghadi. Therefore, the change was approved. Recording failure on the part of Mr. Santosh Mehtre to prove majority in his favor to counter the change, the objection raised by Mr. Santosh Mehtre was turned down.

(xxi) As such, Mr. Satosh Mehtre has presented his Writ Petition No.5315 of 2026 predominantly challenging his removal from the post of 'Groupleader' at prayer clause 'B' of the Writ Petition.

(xxii) On 07.05.2026 itself 13 out of total 17 members of the Karjat NP moved a 'No Confidence Motion' ("NCM' for brevity) against Smt. Rohini Ghule, the President of the Karjat NP. Those 13 members submitted a proposal before the District Collector Ahilyanagar requesting to convene a meeting u/s 341-B(5) of the Act for discussing No Confidence Motion against the President.

(xxiii) Consequent to the independent move advanced by those 13 Members, the District Collector convened a special meeting and scheduled it on 13.05.2026 at 11.00 am for discussion. The Sub

Divisional Officer of Karjat-Jamkhed division came to be deputed as Presiding Officer of the meeting.

(xxiv) At prayer clause 'C', the Petitioner- Mr. Santosh Mehtre challenges the notice dated 07.05.2026 issued by the District Collector convening NCM meeting on 13.05.2026.

(xxv) Obviously, the President of the Karjat NP was constrained to rush this Court challenging the proceedings initiated against her u/s 341-B-5 of the Act of 1965.

(xxvi) On the backdrop of these facts, Writ Petition No.5315 of 2026 is filed by earlier Groupleader Mr. Santosh Mehtre; and Writ Petition No.5797 of 2026 is filed by Smt. Rohini Ghule - the President of the Karjat NP challenging the proposed No Confidence Motion.

(xxvii) During the pendency of the Writ Petitions, the District Collector, Ahilyanagar rejected the application filed by Mr. Santosh Mehtre seeking disqualification of 09 members. The said order came to be passed on 10-06-2026. Vide a Civil Application No.6366 of 2026 in Writ Petition No. 5797 of 2026, this development is also brought on record seeking leave to amend the Writ Petition. Vide a separate order, we have allowed the Civil Application No.6366 of 2026.

(xxviii) For clarity, the substantive prayer clauses in both the Writ Petitions are reproduced as below:

Writ Petition No. 5315 of 2026
(Santosh Mehtre)

"(B) By issuing appropriate writ, order or directions in the like nature of writ, kindly quash and set aside the impugned order dated 07.05.2026 passed by the respondent No.1, holding it be illegal and contrary to the by-laws/constitution of Municipal Party.

(C) By issuing appropriate writ, order or directions in the like nature of writ, kindly quash and set aside the impugned notice dated 07.05.2026 issued by the respondent No1 thereby scheduling the special meeting on 13.05.2026 for conveying the motion of no confidence."

Writ Petition No.5797 of 2026
(Rohini Ghule)

"(B) Quash and set aside the impugned orde*r dated 05.05.2026 passed by the Respondent No.1 directing to convene the floor test and for that purposes, issue necessary orders.*

(C) Quash and set aside the impugned order dated 07.05.2026 passed by the Respondent No.1 granting an application filed by the Respondent No.4 dated 24.04.2026 appointing Respondent No4 as Gat Neta of the Karjat Nagar Panchayat Rashtrawadi Congress Party Gat and for that purposes, issue necessary orders.

(D) Quash and set aside the impugned order dated 07.05.2026 passed by the Respondent No.1 appointing the SDO as Presiding Officer to convene the meeting of vote of no confidence on 13.05.2026 against the petitioner and for that purposes, issue necessary orders.

(E) Direct the Respondent No1/Collector to decide the application dated 29.04.2026 filed by the Gat Neta Santosh Mehtre for disqualifying the councillors under the Maharashtra Local Authority Members Disqualification Act 1986 and Rules 1987 and thereafter, only decide the application filed by the Respondent No.4 for convening the meeting of vote of no confidence against the petitioner and for that purposes, issue necessary orders."

4. Thus, we see that while the Petitioner Mr. Santosh Mehtre has grievance against his displacement from the post of Groupleader; Smt. Rohini Ghule has objected to the NCM meeting proposed against her. Both Petitioners besides challenging the processes/orders lodged/passed against themselves, also challenge processes/orders lodged/passed against the other petitioner.

5. We heard advocates and the Senior Advocates for respective parties at length. We have also minutely gone through the documents filed and the case laws relied upon by them in support of their respective arguments. On it's basis, we now proceed to deal with the issues before us.

6. **Petitioners' submissions:**

6.1 Mr. Sanjeev Deshpande, learned Senior Advocate instructed by Mr. Shailendra Gangakhedkar, learned advocate for the Petitioner in Writ Petition No. 5315 of 2026 offered his submissions as below:

a) The Aaghadi Rules prevail over the conduct and activities of the Aaghadi Members. Those have binding force and that, any violation to the Aaghadi Rules result into the consequences as recorded therein.

b) Mr. Deshpande's foremost contention is that there is no provision for removal of the Groupleader in the Aaghadi Rules. In the

absence of any provisions prescribing provision for removal of the Groupleader, the move initiated by the 09 members of the Aaghadi under the leadership of Mr. Satish Patil has not legal sanctity.

c) To continue his first objection, Mr. Deshpande submits that Clause 4-A of the Aaghadi Rules speaks about election of the Groupleader, Deputy Groupleader and Secretary. As per the Aaghadi Rules, no tenure of those posts is provided therein. That, this provision was made by the members of the Aaghadi cautiously and thoughtfully. While no specific tenure for these posts is provided in the Aaghadi Rules, it goes without saying that the Groupleader's chair shall be co-terminus with the Karjat NP itself. In no way, the Petitioner Mr. Santosh Mehtre could be dislodged from the post of Groupleader.

d) Mr. Deshpande vehemently submits that he is only the Petitioner in the capacity of the Groupleader has exclusive authority to initiate any action on behalf the Aaghadi, and none else. Mr. Deshpande heavily places his reliance on Clause 7 - C and D.

e) It is further argued by Mr. Deshpande that the 09 members rebelling against him apparently acted in collusion with the District Collector. That, immediately upon learning the activities led by Mr. Satish Patil i.e. Respondent no.4, the Petitioner

terminated him from the post of Deputy Groupleader vide letter dated 21.04.2026. That, on 23.04.2026 the Petitioner issued whip to the Respondent nos. 4 to 12 i.e. the rebelling members thereby prohibiting them from conducting any meeting on 24.04.2026 pursuant to call dated 20.04.2026 given by the Respondent no.4 for such meeting. It was warned in the whip that failure to obey the whip shall result into disqualification to be a member of the Karjat NP.

f) That, in view of the whip issued by the Petitioner to the Respondent nos. 4 to 12 and violation of the same at their hands, the Respondent nos. 4 to 12 stand disqualified from to continue as Members and also stand disqualified for further 6 years for contesting any election.

g) Mr. Deshpande's another submission is highlighting the approach of the Respondent no.1 – the District Collector, Ahilyanagar. He submits that the Petitioner has already lodged one objection application before the District Collector protesting the meeting dated 24.04.2026. It is submitted that pursuant to the whip dated 23.04.2026 and the meeting dated 24.04.2026 conducted by the Respondent nos. 4 to 12, the Petitioner also lodged another proceeding before the Respondent no.1 to declare the Respondent nos. 4 to 12 disqualified as members. However instead of taking

action against the Respondent nos. 4 to 12, the Respondent no.1 called upon him to prove his majority thereby giving a short span of even below 48 hours. That on 07.05.2026, respondent no.1/the Collector, Ahilyanagar hastily accepted the change submitted by the Respondent nos. 4 to 12 and upheld Petitioner's removal from the post of Groupleader. That, it clearly cites Respondent no.1's colorable exercise of power.

h) While justifying his prayer clause 'C' in the Writ Petition, Mr. Deshpande submits that unless the disqualification petition filed by him against the Respondent nos. 4 to 12 is decided, the Respondent no.1 must not have convened a special meeting for discussing No Confidence Motion against the President. He submits that basically, Respondent nos. 4 to 12 can not change the Groupleader; and that he is the only competent person in authority to head any activity on behalf the Aaghadi, even including the No Confidence Motion if to be moved.

i) Mr. Deshpande relies upon a Judgment and order passed by this Court in the case of ***Mangesh Tambe vs. State and ors.[2018(5) Mh.L.J. 735]*** to support his contention that cautious exclusion of Groupleader's tenure and mode to change/remove the Groupleader in the Aaghadi Rules emphatically lays down that his tenure can not be ended by any move and shall remain in force

during the term of the Karjat NP itself. It is submitted that unless a rule is amended, change in Groupleader is not permissible as per the Aaghadi Rules.

j) Another Judgment and order passed by this Court on ***01.03.2019 in Writ Petition No.11918 of 2018 [Sunil Ramesh Kale Versus State and ors.]*** with connected matters is also cited by Mr. Deshpande, learned Senior Advocate on the same point. There also this Court held that in terms of the Rules, a Groupleader had a full term of the concerned local body, and hence could not be changed in exception to the Rules.

With such arguments, learned Senior Advocate Mr. Deshpande prays to allow the Writ Petition in terms of the prayer clauses 'B' and 'C'.

6.2 Mr. Ramesh Dhorde, Learned Senior Advocate i/b Mr. P. S. Dighe and Mr. Vikram Dhorde, learned advocates for the Petitioner in Writ Petition No.5797 of 2026 vehemently offered his submissions as follows:

a) Mr. Dhorde, learned Senior Advocate at the outset submits that his arguments are in addition to what Mr. Sanjeev Deshpande, learned Senior Advocate argued in his Writ Petition No.5315 of 2026. Echoing Petitioner's arguments in Writ Petition no.5315 of 2026, Mr. Dhorde advanced some additional points of objection

by the Petitioner in Writ Petition lodged by the President of the Karjat NP who was to face the 'No Confidence Motion' .

b) Mr. Dhorde, learned Senior Advocate strenuously attacked the approach of the Respondent no.1 - the District Collector. He submits that disregard by the Respondent no.1 to the unlawful activities of the 09 members seeking change in the Groupleader has straightway caused serious prejudice to the Petitioner who is President of the Karjat NP.

c) That, the illegal move initiated by the 09 members of the Aaghadi against the Groupleader Mr.Santosh Mehtre, the disqualification proceeding lodged by Mr. Santosh Mehtre against the 09 members and the No Confidence Motion proceedings initiated against him are intertwined.

d) That, a No Confidence Motion could not have been moved the way it has been moved by those members whom there is no authority.

e) That, the base of all these events and activities i.e. the meeting dated 24.04.2026 conducted on the call given by and under the leadership of Mr. Satish Patil itself is devoid of any authority. If displacement of Mr. Santosh Mehtre itself was beyond the purview of the Aaghadi Rules, the No Confidence Motion can not be moved against the Petitioner by the concerned members. That,

indeed the 09 members who rebelled against the Groupleader stand disqualified for violating the whip.

f) It is further pointed out by learned Senior Advocate Mr. Ramesh Dhorde that the Petitioner is not made party to the disqualification proceedings lodged by Mr. Santosh Mehtre before the Respondent no.1 under rule Nos. 6 and 7 of the 1987 Rules. His grievance is that the Petitioner shall be the ultimate sufferer if any decision is rendered in that proceeding behind his back.

g) Mr. Dhorde harps on the approach of the Respondent no.1- the District Collector. He seriously questions as to whether if the District Collector was acting without independent mind. He submits that he had material to show that the Respondent no.1 concluded the proceedings on 07.05.2026 hastily only at the behest of the Respondent no.13 (in his petition) who is a sitting Member of Legislative Assembly.

h) Mr. Dhorde was at pains to demonstrate that it was absolutely a political move against the Petitioner that started with the change in the Groupleader of the Aaghadi in the Karjat NP. He questions the authority of the Respondent no.1 under which he called upon the Groupleader to conduct the floor test. He submits that it was humanly impossible for the Groupleader to conduct a floor test within less than 48 hours.

i) Contending that the No Confidence Motion proceedings can not be casually taken up by the Respondent no.1 without looking to the entire aspect of the matter, Mr. Dhorde strenuously points the chain of events. He submits that on 07.05.2026 the District Collector approved the change of Groupleader in the noon, and hardly after a couple of hours issued a notice convening a special meeting u/s 341-B-5 of the Act of 1965. That, the Respondent no.1 is a statutory authority who is under mandate to deal with the No Confidence Motion proceeding as well as the proceeding under 1987 Rules with independent mind, without influenced by any political call.

j) Mr. Dhorde relies upon a judgment rendered by this Court in the case of ***Devidas Pingale Vs. APMC Nasik and ors. (Writ Petition No.3973 of 2023 dated 29.03.2023)*** and Circular dated 14.07.2023, and submits that entire exercise conducted by the District Collector is not only illegal, but the same is contemptuous. That, the District Collector has given a ceremonial goby to the strict directions issued by this Court, the State Government and the principles of natural justice.

k) Mr. Dhorde's another objection is, his Groupleader Mr. Santosh Mehtre filed a revision before the Honorable Minister, Urban Development deptt., Maharashtra u/s 328 and 329 of the Act of

1965. The order dated 05.05.2026 passed by the District Collector, Ahilyanagar calling upon Mr. Santosh Mehtre to conduct floor test was challenged in the revision petition. Learned Senior Advocate submits that stay was granted in the said revision petition on 06.05.2026. That, in view of stay granted in the revision it was not open for the District Collector to pass the order dated 07.05.2026. He submits that despite bringing the fact of stay in the revision petition to the notice of the Respondent no.1, the order dated 07.05.2026 was passed hastily and arbitrarily. That, the approach of District Collector evidently show his prejudiced conduct whereby neither regard is paid to the stay order nor even any finding on it is rendered. Suffice to note, by filing a Civil Application, the Petitioner has sought to bring this on record.

l) It is sought to be argued that in reply affidavit, there is no denial to the averment regarding filing of the revision petition and the interim order passed thereon. As such, learned Senior Advocate submits that the District Collector has conveniently avoided to answer as to why he proceeded while stay was ordered by the Honorable Minister.

m) It is further submitted on behalf of the Petitioner that Mr. Santosh Mehtre again sought to file another revision petition before the

Honorable Minister. However upon learning that there is no provision for revision in the matter of the cause taken up, the Petitioner filed present petition.

n) The Petitioner placed reliance upon following case laws in support of the point of arguments as mentioned :

Mandate on the Executive for independent exercise of power without interference by a political entity or representative of people	1984 (2) SCC page 41 2011 (5) SCC page 435
Even summery decisions must be supported by reasoning adopted.	2011 (6) SCC 456
Rule governing change of Groupleader in the local bodies.	2018 (5) Mh.L.J. 735
Decision by the Executive must be free from bias	2013(16) SCC 116 2013 (7) SCC 25
Malice in law	2012 (4) SCC 407

With this, learned Senior Advocate Mr. Ramesh Dhorde prays to allow his Writ Petition for the prayers made therein.

7. <u>Submissions by private Respondents:</u>

7.1 Senior Advocate Mr. Anil Sakhare together with Mr. Rajendrraa Deshmukkh, Senior Advocate for the private respondents lead the private respondents in both the Writ Petitions on instruction of their respective advocates on record.

a) Mr. Sakhare, learned Senior Advocate denies all the objections raised by the Petitioners. He submits that the citations relied upon by the Petitioners as regards to the 'action of Aaghadi members in extricating the Groupleader Mr. Santosh Mehtre and electing Mr. Satish Patil as new Groupleader' are not applicable in the given set of facts.

b) It is the submission of Mr. Sakhare that factually there is absolutely no express or even implied provision in the Aaghadi Rules that defines tenure of the Groupleader till the term of the Karjat NP. He submits that the Petitioners have misinterpreted the clause Nos. 4-A of the Aaghadi Rules. That, the Clause 4-A merely says that the tenure of the Groupleader, Deputy Groupleader and Secretary shall be decided by majority. Nowhere the tenure is provided in the Aaghadi Rules nor ever subsequently it was decided.

c) Hence, in view of the law laid down by the Honorable Supreme Court in the case of ***Sunil Haribhau Kale Vs. Avinash Mardikar and ors. [(2015) 11 SCC 403]*** the then Groupleader Mr. Santosh Mehtre i.e. Petitioner in Writ Petition No.5315 of 2026 is rightly removed from his post. Likewise, Mr. Satish Patil is also rightly elected by the majority of the Aaghadi members in the meeting dated 24.04.2026.

d) Learned Senior Advocate Mr. Sakhare further submits that the Aaghadi Rules do not provide command of Whip in the Groupleader except for voting in the meetings at Karjat NP. He submits that neither there is any authority with the Groupleader to issue any whip to the Aaghadi Members for the business *inter-se* the Aaghadi, nor any Member could be disqualified for any purpose for not obeying the Groupleader.

e) Mr. Sakhare submits that once its clear that the 09 members rightly undertook a move to change the Groupleader Mr. Santosh Mehtre in terms of the Aaghadi Rules and the law laid down by the Honorable Supreme Court in ***Suresh Haribhau Kale's*** case (supra), the consequential proceedings raised by the removed Groupleader become redundant and meaningless.

f) It is strongly denied by Mr. Sakhare, learned Senior Advocate that the Respondent no.13 in Writ Petition No.5797 of 2026 has caused any interference in the subject-matter developments. He denied that the Respondent no.13 ever tried to prevail over the District collector or the order impugned in the Writ Petitions are under the undue influence of the Respondent no.13. He invites attention of this Court to the reply affidavit filed by the Respondent no.13 who categorically denied the allegations of his interference in the matter.

g) Lastly, Mr. Sakhare relies upon paragraph No.09 and 11 of the findings recorded by the Honorable Supreme Court in the case of ***Bachhittar Singh Vs. State of Punjab and another*** reported at ***AIR 1963 SC 395***. Referring to it, Mr. Sakhare submits that the note purportedly marked on the revision petition copy produced by the Petitioner in Writ Petition No.5797 of 2026, doesn't amount to an order, nor is of any avail to the Petitioners.

7.2 Mr. Rajendrraa Deshmukkh, learned Senior Advocate representing other private individuals including the Aaghadi Members concurs with the arguments and submissions advanced by Mr. Sakhare.

a) Mr. Deshmukkh further adds that entire series of the objections and petitions launched by the Petitioners is frivolous. He adds that the Petitioners have relied upon such case-laws which are not applicable to present cases, if compared on facts.

b) That, evidently Mr. Santosh Mehtre stood removed from the post of Groupleader as per the law holding the field. There is absolutely no infirmity in the order dated 07.05.2026 passed by the District Collector upholding the change.

c) Mr. Deshmukkh further points out the letter dated 21.04.2026 issued by Mr. Santosh Mehtre to the new Groupleader Mr. Satish Patil thereby removing him from the post of Deputy Groupleader.

He submits that infact, Mr. Santosh Mehtre has taken exception to the Aaghadi Rules thereby taking individual decision.

d) Senior advocate Mr. Deshmukkhh too objects interpretation of the clause No.4-A carried and expressed by the Petitioners. That, the proposal of 'No Confidence Motion' is rightly moved by the Aaghadi Members and it has nothing to do with the change in Groupleader issue.

e) Mr. Deshmukkh points out that the proceeding of disqualification of 09 Aaghadi Members was initiated by the dislodged Groupleader Mr. Santosh Mehtre. He exclaims his surprise over the President's objection that she was not made party to the said proceedings. According to Mr. Deshmukkh, all the proceedings and objections at the behest of the Petitioners are to run away from the failure to hold majority and trust of the Members. He submits that in view of the order dated 07.05.2026 and the status quo granted by this court later, the District Collector ought to have proceeded holding that Mr. Santosh Mehtre stood dislodged from his post of Groupleader

Thus, both the learned Senior Advocates pray to dismiss the Writ Petitions.

8. **Submissions by the Government Pleader:**

Mr. Amarjeetsingh Girase, learned Government Pleader strongly defends the District Collector and other government authorities in both the matters.

a) Mr. Girase, learned Government Pleader at the outset strongly opposed the case put up by Mr. Dhorde, learned Senior Advocate representing the President of the Karjat NP that any revision petition is filed by dislodged Groupleader Mr. Santosh Mehtre and any stay order is passed in such revision.

b) Learned Government Pleader raises serious objection and doubt on the authenticity of the revision petition shown to have been filed before the Honorable Minister by Mr. Santosh Mehtre and any prohibitory order passed therein. He submits that till this date, no authenticated/certified copy of the stay order is produced by the Petitioners which goes to say that no such stay order ever existed. He questions source of the copy of the said stay order.

c) He submits that he thoroughly enquired with the concerned department of the State Government about filing and existence of any such revision and stay order, if any. He submits that no such record is found to the authorities. Mr. Girase further points out that copy of the revision petition tendered by the President of the Karjat NP in her Writ Petition No.5797 of 2026 even does not bear

any filing or registration number. Whatever noting the Petitioner purports to be a stay order, does not show name, designation and seal of the authority who has recorded it. Moreover, Mr. Girase submits that in any case its not a stay order, but it is merely a noting which says in Devnagari as *"सदर प्रकरणी जिल्हाधिकारी यांजकडून अहवाल मागवणे व सुनावणी ठेवावी तोपर्यंत स्थगिती द्यावी"* ("Report be called from the District collector in this matter and hearing be arranged, till then stay be granted").

d) It is further objected by Mr. Girase that this record produced by the Petitioner – President of the Karjat NP is highly doubtful. If Mr. Santosh Mehtre has filed such revision and has obtained stay on 06.05.2026, he is absolutely silent about it in his Writ Petition which is sworn and filed on 12.05.2026. On the other hand, Mr. Santosh Mehtre in his Writ Petition submits that he sought to file a revision before the Honorable Minister on some wrong advise, but didn't file it for want of any legal provision as was rightly advised to file present petition.

e) Mr. Girase submits that besides the contents and legality of the said stay order, 'exclusion of pleading about such revision and stay in Mr. Santosh Mehtre"s Writ Petition' and attempt to produce it on record vide a Civil Application in the Writ Petition filed the

President of the Karjat NP' itself show that it is nothing but an afterthought story.

f) According to Mr. Girase - learned Government Pleader, the story of filing revision petition by Mr. Santosh Mehtre and stay therein is absolutely a false case. That, none of the Petitioner or any party produced anything before the District Collector on 07.05.2026 evidencing that any revision is filed, even not a written intimation/request is submitted to that effect. Mr. Girase submits that even today also none of the Petitioners produced certified copy of such stay order, assuming for the sake of moment that immediately on 06.05.2026 copy of stay order could not be secured.

g) So far as the role of the District collector is concerned, Mr. Girase advocates each action of the District collector. He denies that orders passed by the District Collector impugned herein are passed under influence of anybody. He denies that the District Collector acted in accordance with any directions of the local Member of Legislative Assembly. Mr. Girase lastly submits that his authorities are bound by the procedure and the law. Accordingly, every order passed by the District Collector stands well justified.

h) So far as order dated 05.05.2026 passed by the District Collector calling upon Mr. Santosh Mehtre to demonstrate majority of the

Aaghadi members in his favor is concerned, there is nothing unusual, illogical or illegal according to learned Government Pleader's arguments. He submits that full opportunity of hearing was always awarded by his authority to Mr. Santosh Mehtre to defend his side. Mere allegations won't help the Petitioners.

i) He submits that the 'No Confidence Motion' proceeding is altogether a different process, which was rightly set in motion. He submits that the process must reach to its logical end.

Mr. Girase, learned Government Pleader thereby concludes his arguments praying to dismiss the Writ Petitions.

9. Learned advocate representing the Karjat NP has nothing to add. He had filed reply affidavit, but obviously, it doesn't speak about the controversy.

10. **Analysis and consideration**:-

We heard the parties at length. Perused the documents on record. Various reply affidavits, rejoinder, additional documents are filed in the petitions which also we have perused. Now we proceed to deal with the petitions on its merits corresponding to each objection.

Legality of the move and the decision to change Groupleader

a) There could be no debate on the point that once an Aaghadi is formed and duly recognized by the District Collector, it becomes a municipal party. In our considered opinion, the Aaghadi Rules

framed and accepted by the Aaghadi Members is decisive factor in these Writ Petitions. Particularly, clause Nos. 4-A and 7(A) (D) are relevant. For the sake of convenience, those clauses are reproduced herewith:

४ – कार्यकारिणी :

अ. कर्जत नगरपंचायत राष्ट्रवादी—कॉंग्रेस पार्टी गटाचे कार्य करण्याकरिता अध्यक्षांची सर्वानुमते पहिल्या बैठकीत निवडणूक करण्यात येईल तसेच उपाध्यक्ष व सचिव व कार्यकारणी सदस्य यांची देखील निवडणूक केली जाईल अध्यक्ष, उपाध्यक्ष, सचिव यांचा कार्यकाल कार्यकारणी बहुमताने वेळोवेळी ठरवेल.

७. पदाधिका-यांचे अधिकार व कर्तव्य-

अ . गटनेता

ड. कर्जत नगरपंचायत राष्ट्रवादी—कॉंग्रेस पार्टी गटाचे गटनेते यांस कर्जत नगरपंचायत सभेमध्ये गटाच्या सदस्यांना मतदान करण्याबाबतचे आदेश देता येतील व्हीप बजावता येईल. तसेच गटाचे गटनेत्या चे आदेशाचे पालन करणे त्यांचे वर बंधनकारक राहील. तसेच गटाच्या नगरसेवकांनी गटनेत्यांच्या आदेशाप्रमाणे, बजावलेल्या व्हीप प्रमाणे कर्तव्य पार पाडण्यात कसूर केल्यास त्यांचे नगरसेवक पद रद्द करणेबाबत किंवा त्यांचे नगरसेवक पद चालू ठेवण्याबाबत ठरविण्यासाठी त्यांचे विरुद्ध जिल्हाधिकारी अहमदनगर यांचेकडे योग्य ती कायदेशीर कारवाई कायद्याप्रमाणे करण्याचा अधिकार गटनेत्यास राहिल.

b) If we go by *litera legis* the clause 4-A of the Aaghadi Rules, it shows that the Groupleader, deputy Groupleader and the Secretary of the Aaghadi are to be elected by the Aaghadi by a majority. By no stretch of imagination it could be gathered from the Aaghadi Rules that it defines/lays down any tenure of the Groupleader, Deputy Groupleader and the Secretary. Likewise, the

election to these posts is to be done by a majority. No other mode for this purpose is provided in the Aaghadi Rules.

c) Thus, we find that the situation is squarely covered by the law laid down by the Honorable Supreme Court in case of ***Sunil Haribhau Kale Vs. Ashwin Mardikar and ors. (Supra)***. Their Lordships at paragraph No.12 observed thus:

> *"12. The definition of the term 'leader' very clearly shows that where a municipal party is an aghadi, its leader has to be chosen by the aghadi or front. Necessarily, any change in the leader of the municipal party is to be effected by the aghadi and not by any outsider. Once the Rules provide for the election of the group leader, it has to be done in that manner only and not in any other manner, even when there is change of the leader. The change of leader has to be in the same democratic process of induction, in the absence of any other method prescribed under the Rules concerned."*

d) As recorded above, the rule of majority is the only criterion and procedure for removal/change of a Groupleader and for election of a new one. Tenure is not a bar for taking a decision by majority on removal and change. Rather, tenure of a Groupleader, Deputy Groupleader and Secretary is to be decided by the Aaghadi, and the decision shall be by majority as per the Rules.

e) In view of this, we are of the considered view that there is no illegality in the decision dated 24.04.2026 resolved by the 09 out of 15 members of the Aaghadi i.e. by a majority to change the Groupleader and appoint/elect Mr. Satish Patil as new Groupleader in the place of Mr. Santosh Mehtre.

f) With due respect, we observe that the case laws cited by the Petitioner in the cases of ***Mangesh Tambe and Sunil Ramesh Kale (supra)*** do not apply to the facts of present cases on account of distinguished difference in facts. There in those cases, the action/order under challenge was being contrary to the Rules framed by the said Aaghadi. This Court held that unless the rules are amended, such rules shall prevail on removal/change of Groupleader.

g) We find that the District Collector arranged hearing on application for change and objection on change, respectively. The parties were heard. Opportunity was given to the Petitioner Mr. Santosh Mehtre to prove his majority inasmuch to show that the decision for change was not by a majority. He failed to satisfy.

h) The displaced Groupleader Mr. Santosh Mehtre filed his objection before the District Collector on 23.04.2026 against the meeting dated 24.04.2026. On 24.04.2026, proposal for recording change in Groupleader was filed before the District Collector. Notice was issued by the District Collector. On the next date of hearing i.e. on 29.04.2026, Mr. Santosh Mehtre sought an adjournment and the matter was placed on 05.05.2026. Then the hearing was further continued to 07.05.2026. Suffice to note, application for change in Groupleader was filed by a majority in Aaghadi in terms of the

Aaghadi Rules (09 out of 15). Obviously to counter the move of change, it was for the dislodged Groupleader to show that majority was in his favor. Neither this can be said to be a 'negative burden to prove' nor an opportunity awarded to prove such majority can be questioned as illegal or without authority.

Legality of procedure and principles of natural justice:

i) Majority is the rule of democracy. The Groupleader Mr. Santosh Mehtre lost confidence of majority members of the Aaghadi. The majority members participated in a meeting and resolved to change the Groupleader on 24-04-2026. The resolution for change, the meeting for change and the application for approval to change was filed by the Majority in Aaghadi. If the dislodged Groupleader disputes the majority decision, there is nothing wrong in expecting the Petitioner to prove majority in his support or to refute the majority of the other side, in such circumstances. Rather, there is no other way to solve the controversy in the peculiar facts of the case. We discard the argument of Senior Advocate Mr. Deshpande of Petitioner that it is placing 'negative burden on the Petitioner'.

j) Under these circumstances, we do not feel that the District Collector committed any error in passing the order dated 07.05.2026. The principles of natural justice are adequately

followed. Much is argued from Petitioners' side that the District Collector acted too hastily and arbitrarily. We see that the Petitioners mainly focused on the proceedings during the hearings dated 05-05-2026 and 07-05-2026. We can not ignore the earlier hearings. Both the applications of objection to the meeting and for approval to change were filed on 23-04-2026 and 24-04-2026 respectively. Notice was given to all the concerned. Matter was posted to 29-04-2026 for hearing. It was further adjourned to 05-05-2026 at the behest of the Petitioner in Writ Petition No.5315 of 2026. Considering that the hearing was scheduled on 29.04.2026, and was adjourned at the behest of Mr. Santosh Mehtre to 05.05.2026 sufficient opportunity for personal hearing was granted. Subsequent adjournment from 05.05.2026 to 07.05.2026 doesn't mean that the hearing was arbitrarily concluded or departure was given to the principles of natural justice. We are of the considered view that action of the District Collector is not hit by the judgment rendered by this Court in *Devidas Pingle* (Supra).

Revision before the Honorable Minister, stay therein and response of the District Collector:

k) So far as alleged challenge by Mr. Santosh Mehtre to the order dated 05.05.2026 before the Honorable Minister of the concerned

department and stay therein are concerned, its pertinent to note that such is not a case put by Mr. Santosh Mehtre- who is shown to be Revision Petitioner. He didn't say that he filed any revision and secured any stay. What is averred that he sought to file revision on wrong advise, but dropped the filing for want of any legal provision on correct advise and filed present Writ Petition.

l) Surprising enough, the President of the Karjat NP i.e. petitioner in Writ Petition No.5797 of 2026 has placed on record on oath, a copy of the petition and a noting thereon vide a Civil Application. Neither an authenticated nor a certified copy of any stay order is produced before us. The Petitioner doesn't disclose how she could secure xerox copy of the said noting. We have reservations in our mind as to how a xerox copy of the said noting could be produced to be believed by this Court without there being no certified copy of such order/noting in existence.

m) As per averments of the Petitioner in Writ Petition No.5797 of 2026, the Petitioner in Writ Petition No.5315 of 2026 (Mr.Santosh Mehtre) obtained "stay" on 06-05-2026 but could not get its certified copy on the same day to produce before the District collector on 07-05-2026. Both the Writ Petitions were filed during vacation in this court i.e. 12-05-2026 and 18-05-2026 respectively i.e. after 06-05-2026 when the "Stay" order was

purportedly passed by the State Authority. There is no reference in the Writ Petitions about such fact in the said petition. The President however avers, not in her Writ Petition – but vide a Civil Application No. 6366 of 2026 filed on 19-06-2026, that such revision was filed and “Stay” was granted. What is produced before us , is a xerox copy of the revision petition bearing the said ‘noting’. Under which procedure and by which mode xerox copy of such noting/order, if really ordered, could be produced and believed, we are not apprised about it.

n) We are cautious on the responsible statement made by learned Government Pleader Mr. Girase that no such file is found with the concerned department. It is evident that is no filing or registration number on the revision nor the noting bears name, designation and seal of the authority who marked the noting. We are of the considered view not to rely upon such document which is sought to be placed for reliance as an order passed by a *quasi judicial* authority.

o) Even otherwise, apparently its not a ‘stay order’. Evidently, its merely a “noting”. We have reproduced the text of the noting (supra). In view of that we find that the objection is liable to be discarded in view of the law laid down by the Honorable Supreme

Court in the case of ***Bachhittar Singh Vs. State of Punjab and another*** reported at ***AIR 1963 SC 395***.

p) We noted the objection raised by Senior Advocate Mr. Dhorde in his argument in rejoinder to Mr. Girase's argument, that Government Pleader has not disputed in reply, the filing of revision petition and the "Stay" therein. To this, Mr. Girase reverts pointing out the pleadings in Writ Petitions. He submits for absence of pleadings in the Writ Petition about "Stay", he is not supposed to plead in counter. So far as the new case brought in vide civil application is concerned, Mr. Girase submits that from the copy of the revision and "stay" itself it not at all can be trusted. He repeats that the 'noting' on the first page of the petition doesn't bear name and seal of the authority who marked it. He again submits that the revision petition has no filing or registration number. The copy produced before this Court even does not bear signature of the revision petitioner, the date column is blank, so the verification too is blank. He seriously disputes genuinity of the document relied upon by the Petitioner in Writ Petition No.5797 of 2026.

q) It is pertinent to note, that Mr. Santosh Mehtre who is shown to have secured the 'stay' doesn't even whisper in his Writ Petition about such stay. On the contrary, he submits that he dropped the

idea to file any revision and preferred to file Writ Petition. On the other hand, the President of the local body vide a Civil Application submits that such revision was filed and stay was ordered. By no stretch of imagination such averments could be accepted. We can not overlook the fact that the copies of the revision petition which was prepared to filed but was not filed, and the copy of the Petition on which the 'stay' is purportedly granted are absolutely same, rather ad-verbatim.

r) Even not an application was filed before the District Collector addressing that any stay is passed by the Honorable Minister. If nothing was placed before the District Collector about any stay if ordered, we find that the District Collector didn't commit any illegality in proceeding with the matters on 07.05.2026 without staying the proceedings.

We, therefore negate the objection raised by the Petitioner in Writ Petition No.5797 of 2026 based upon the revision and any order therein.

<u>Disqualification of 09 members and Whip under Aaghadi Rules</u>:

s) So far as the process of disqualification of 09 rebelling members was initiated by the dislodged Groupleader Mr. Santosh Mehtre is concerned, it is based upon the authority purportedly held by him

to issue whip. The disqualification is sought for disobeying the whip in accordance with clause 7-A(D) of the Aaghadi Rules.

t) Upon going through the contents of clause 7-A (D) of the Aaghadi Rules, it clearly transpires that the command of whip is applicable only for the purpose of voting in meetings of the Karjat NP. For the internal affairs and business of the Aaghadi, the whip is not applicable. The wording and intention therein is unambiguous. We find no fault in the order dated 10.06.2026 passed by the District Collector on the disqualification application filed by Mr. Santosh Mehtre under the Act and the Rules of 1987.

u) We have taken on record the objection raised by Mr. Dhorde, learned Senior Advocate for the Petitioner in later petition about the roznama dated 10.06.2026 in the disqualification proceedings. It is his contention that while the matter was to be heard on the point of maintainability, the District Collector passed order on merits itself.

v) We have seen copy of the said roznama. Its in Marathi. A note in English is however found in different handwriting mentioning, ‘to be decided on the point of maintainability’.

w) We don’t find this fatal to the order dated 10.06.2026 passed by the District collector. The order transpires that it was passed after giving notice to all and hearing them. The parties also filed their

written submissions. In the present petition, we have already held that the notice dated 23.04.2026 issued by Mr. Santosh Mehtre to the 09 members can not be held as whip within the meaning of Clause 7-A(D) of the Aaghdi Rules. Rather, the District collector has passed a detailed and reasoned order. We reject this objection.

Interference by local Member of Legislative Assembly

x) Insofar its alleged that the Respondent no.13 in Writ Petition No.5797 of 2026 influenced the hearing before the District collector and prevailed over him to pass the impugned order, there is nothing before us to substantiate the contention. On pleadings and statements on oath, we refrain ourselves to arrive at such conclusion. It is factually incorrect that the allegations raised against the District Collector and the Respondent no.13 in Writ Petition No.5797 of 2026 are not disputed in the reply affidavit. The District collector at paragraph No.11 of his reply affidavit has stated that "*the Petitioner has made baseless and vague allegations against the present respondent. The Petitioner may kindly be called upon to strictly prove the said allegations*.'

y) The Respondent no.13 too at paragraph No. 7 of his reply affidavit categorically denied each allegations against him.

We find that the Petitioners fell deficit to substantiate such objection.

'No Confidence Motion' process

z) On 07.05.2026, 13 members of the Karjat Nagar Panchayat proposed 'No Confidence Motion' on the President i.e. Petitioner in Writ Petition no.5797 of 2026 taking recourse to Section 341-B-5 of the Act of 1965. The requisition contains 06 grounds to call 'No Confidence Motion'. The 13 signatories to the requisition unanimously submit that they have lost confidence in the President, and hence a special meeting be convened for discussing 'No Confidence Motion' on the President.

aa) Section 341-B-5 of the Act reads thus:

> *[341B-5. Removal of President of Nagar Panchayats by Councillors.— (1) The requisition for removal of the President elected under section 341B-1 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector: Provided that, no such requisition shall be sent within a period of one year from the date of election of such President. (2) Upon receipt of the requisition under sub-section (1), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition: Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons. (3) The Collector shall submit the findings of the enquiry to the Government for taking appropriate action under section 55A as applicable therefor.]*

bb) The District Collector in bound to initiate action as per the provisions. Accordingly, he appointed presiding office and convened a special meeting on 13-05-2026.

cc) Apparently, procedure u/s 341-B-5 of the Act is a procedure independent from the procedure of change of Groupleader and disqualification under the Act of 1986 and Rules of 1987. Change in Groupleader has not legal impact on the proceedings u/s 341-B-5 of the Act. The disqualification proceeding initiated by the earlier Groupleader against the 09 members on account of defiance to the whip was restricted to them only.

dd) We have considered the arguments of Mr. Dhorde, learned Senior Advocate representing the Petitioner in Writ Petition No. 5797 of 2026 that the 'No Confidence Motion' is the move next to the change in Groupleader, and that the fate of the change in Groupleader proceeding would affect the 'No Confidence Motion'. However, as we have observed above, both these proceedings are absolutely independent from each others. We discard the argument advanced on behalf the President of local body that due to non opportunity of hearing to her in the said disqualification proceeding and the approval to change in Groupleader, the principles of natural justice are seriously violated. Change in the Groupleader is governed by the Aaghadi Rules. The President of

local body neither has any role in that proceeding in the capacity of 'President'; nor any provision in Law provides for necessity of President's inclusion in the disqualification process initiated by the dislodged Groupleader against the rebelling members of the Aaghadi. For want of any 'legal' nexus between these two proceedings, we do not find any merit in the Writ Petition of the President of the local body.

ee) It appears that the Petitioners were constrained to rush before the Vacation Benches of this Court, and this Court granted '*status quo*' in the light of the multiple controversies presented by the parties. Challenge to the interim order passed by this Court did not succeed in the Honorable Supreme Court. In view of the Status Quo order, the position as on the date of order remained as it is. The District Collector accordingly stalled the No Confidence Motion procedure.

ff) For the reasons recorded above, we do not find any illegality in District Collector convening meeting u/s 341-B-5 of the Act of 1965 nor there should be any impediment in proceeding with the 'No Confidence Motion' proposal.

gg) Now what remains is the answer to the case laws relied upon by the Petitioners. We respectfully agree with the law laid down by the Honorable Supreme Court and this court in the cited cases.

However, we find that on facts those case laws are not applicable nor make any favorable situation for the Petitioners. Reliance placed by the Petitioner on those case laws is misplaced. On six counts the Petitioner in Writ Petition no.5797 of 2026 has cited case laws recorded above. We have gone through the judgments referred by the Petitioner. We have recorded our findings as to how the impugned orders are not hit by the case laws cited by the Petitioners. We crystalized the facts of present cases as observed above. The principles of law laid down in the cases cited by the Petitioners do not apply to the cases in hand due to substantial difference in facts.

hh) After comparing the facts of present case and the facts in the case laws cited, we have held that

(1) the District Collector has exercised his powers while passing every order with his independent mind. External interference into his adjudication is not substantiated. It is not a proved case that the District collector changed his mind due to any external interference.

(2) While passing the impugned orders dated 07.05.2026 and 10.06.2026, the District Collector has rendered adequate reasons. Reasoning part is always different from the operative order;

(3) Objection on violation of natural justice is not proved by the

Petitioners. On the other hand, everyone has responded every notice. The Petitioner in Writ Petition NO.5315 of 2026 appeared in every proceeding and availed every opportunity of hearing effectively participating in each proceedings. The sequence of events and hearings as recorded above show that adequate opportunity of hearing was given to the parties by the District Collector. Yet the proceeding against the Petitioner in Writ Petition No.5797 of 2026 is to process, hence there is no occasion for violation of natural justice. Disqualification process is against 09 rebelling members, not against the President of the local body. The said proceeding and No Confidence Motion proceeding are altogether independent processes.

(4) The facts in '***Mangesh Tambe and Suresh Ramesh Kale***' case on Change in Groupleader are absolutely different from the present case. We have given categorical findings that present cases are covered by the judgment rendered by the Honorable Supreme Court in ***Sunil Haribhau Kale's*** case (supra);

(5) the case laws citing bias decision also do not apply to the cases in hand for the reason that the Petitioners could not establish bias in the mind of the District Collector Ahilyanagar while passing or for passing the impugned orders;

(6) and for the same reasons, the case law on 'malice in law' also

does not apply to the present cases for the Petitioners having failed to prove malice in law.

Thus, we have dealt with each argument raised by the respective parties and have also tested facts of both cases on the case laws relied upon by them.

11. Learned Senior Advocates for the Petitioners submitted that in the event if this Court is not inclined to allow the Writ Petitions, impugned orders dated 07.05.2026, 10.06.2026 and the No Confidence Motion proceeding be stayed or interim protection be continued for further four weeks.

12. **Conclusion**:

For the reasons recorded above we find and hold that,

(a) the change in Groupleader process has gone lawfully;

(b) In the absence of tenure having defined in the Aaghadi Rules and in the absence of any specific mode/procedure, removal or change of Groupleader in a local body is permissible through the same mode/process by which election to such post is provided in the Rules;

(c) 'Majority is the sole rule of democracy, trust/confidence is the soul of majority in Democratic set up'. The process u/s 341-B-5 of the Act of 1965 and the provisions of

Maharashtra Local Authority Members' Disqualification under 1986 Act with Rules of 1987 thereunder, operate independently.

(d) Orders dated 07.05.2026 passed by the District collector in Change in Groupleader, order dated 07-05-2026 convening special meeting u/s 341-B-5 of the Act, and order dated 10.06.2026 turning down the disqualification petition do not warrant interference of this Court.

(e) Pendency of Writ Petition No.6739 of 2025 filed by Amrut Kaldate seeking change in Groupleader, neither vitiate the subsequent move for change in Groupleader.

(f) We have given cautious consideration to the last requests made by learned Senior Advocates for the Petitioners for grant of stay/protection as recorded above. Considering that the subject-matter of the petitions pertain to democratic processes, and as we do not find any infirmity in the impugned orders, we decline to accept the requests.

13. <u>Hence we pass following order:-</u>

I. Writ Petition No.5315 of 2026 and Writ Petition No.5797 of 2026 stand dismissed. All interim orders passed in the petitions and the Civil Applications stand merged in this order;

II. All other pending civil applications stand disposed of in view of above;

III. District Collector, Ahilyanagar to reschedule the stalled special meeting within 10 days from today u/s 341-B-5 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act 1965 to discuss the 'No Confidence Motion' as requisitioned;

IV. Rule stands discharged in both Writ Petitions.

V. No order as to costs.

[AJIT B. KADETHANKAR, J] [KISHORE C. SANT, J.]

Rushikesh/2026