



CGHC010342442026



2026:CGHC:38839

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4502 of 2026

Nehru Lal Sahu S/o Shri Likhan Lal Sahu, Aged About 37 Years, Elected Sarpanch, Gram Panchayat Ulba, R/o Village Ulba, Post Khorpa, P.S. Abhanpur, District- Raipur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District- Raipur, (C.G.)

2 - Collector Raipur, District- Raipur (C.G.)

3 - Sub-Divisional Officer (Revenue) Abhanpur, District- Raipur (C.G.)

4 - Smt. Sushila Sonwani, Elected Panch, Ward No.07, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

5 - Shri Lekesh Yadav Elected Panch, Ward No. 01, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

6 - Smt. Gayatri Tarak, Elected Panch, Ward No. 02, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

7 - Shri Mongra Dhruv, Elected Panch, Ward No. 04, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

8 - Shri Dileshwar Ram Kosare Elected Panch, Ward No. 05, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

9 - Smt. Amreshwari Tarak, Elected Panch, Ward No. 06, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

10 - Shri Bhojeshwar Tarak, Elected Panch, Ward No. 03, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

11 - Shri Chandrabali Bhardwaj, Elected Panch, Ward No. 09, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

12 - Shri Akash Sharma Elected Panch, Ward No. 11, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

13 - Smt. Roopmanni Rathi, Elected Panch, Ward No. 10, Gram Panchayat Ulba, Janpad Panchayat Abhanpur, District- Raipur (C.G.)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s) : Mr. Anand Shukla, Advocate

For Respondent(s) : Mr. SS Choubey, Government Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

02/09/2026

1. By way of the present writ petition, the petitioner calls in question the order-sheet dated 20.8.2026 and the proceedings emanating therefrom, passed by the Sub-Divisional (Revenue), Abhanpur, District Raipur, whereby the alleged application for a motion of no-confidence dated 20.08.2026, purportedly submitted by ten

Panchas of Gram Panchayat Ulba against the petitioner, has been entertained and the meeting to consider the said No-Confidence Motion has been fixed for 4.9.2026.

2. Learned counsel for the petitioner submits that the mandatory statutory provisions have been circumvented in an arbitrary manner. He submits that without adhering to the mandatory requirement of issuing a clear seven days' notice, the meeting of the No-Confidence Motion has been scheduled on 4.9.2026, which happens to be a declared public holiday on account of '*Janmashtami*'. He further submits that the aforesaid circumstances clearly show that the respondent authorities are bent upon proceeding with the No Confidence Motion in a pre-determined manner. He further points out that the requisite notice of the No-Confidence Motion had not even been issued prior to the filing of the present petition and it was only after this Court directed learned State Counsel to seek instructions that the notice was hastily served upon the petitioner on 1.9.2026. He also submits that insofar as the verification process is concerned, the relevant documents were forwarded to the concerned authorities on 31.8.2026, which was received on the very same date. Thus, the verification as mandated under the applicable Statutory Rules was not conducted in accordance with law. Learned counsel further submits that the compliance with the statutory procedure prescribed under the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad

Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Viruddh Avishwas Prastav) Niyam, 1994 (for short “Rules, 1994”) and the Panchayat Raj Adhiniyam, 1993 (in short “Adhiniyam, 1993”), cannot be reduced to a mere empty formality. The petitioner is an elected Sarpanch and prior to initiating any proceedings for a No-Confidence Motion, the mandatory procedural requirements ought to be strictly adhered to, which has not been done in the present case. In view of the above, placing reliance on a judgment passed by the Full Bench of the High Court of Madhya Pradesh in the matter of **Bhulin Dewangan vs State of MP & Others {2000 (4) MPHT 69}**, learned counsel for the petitioner submits that grave prejudice has been caused to the petitioner, rendering the entire action unsustainable in the eyes of law and thus, the entire proceedings are liable to be quashed.

3. On the other hand, learned counsel for the State submits that the prescribed statutory procedure has been duly followed with and the impugned proceedings suffer from no illegality whatsoever.
4. Heard learned counsel for the parties and also perused the documents annexed with the petition with utmost circumspection.
5. Having regard to the facts of the present case, it *prima facie* reveals that the statutory procedure has not been adhered to in accordance with law. Further, the date scheduled for convening the No-Confidence Motion falls on a declared public holiday on account of ‘*Janmashtami* i.e. 04.09.2026’, which further vitiates the proceedings. Moreover, as pleaded by learned counsel for the

petitioner, the notice of meeting of No-Confidence Motion was served to the petitioner only when this Court directed the State Counsel to seek instruction in the matter on 1.9.2026. Thus, in the opinion of this Court, it appears that prejudice has been caused to the petitioner, as notice was not served upon the petitioner in consonance with the statutory obligations. Further, the verification of the application moved for no confidence motion against the petitioner has also not been done in accordance with law. As such, no confidence motion scheduled on 04.09.2026 cannot be directed to be convened as the same is not in accordance with the procedure prescribed under the law.

6. In view of the foregoing discussion, the No-Confidence Motion scheduled **for 4.9.2026** is hereby **quashed**.
7. It is, however, made clear that this order shall not preclude the competent authorities from issuing fresh notice, as the No-Confidence Motion has not failed on merits during the proceedings. In this regard, this Court has made it amply clear in the matter of **Smt. Neelima Sahu vs State of Chhattisgarh and Others in WPC No. 4281 of 2026**, decided on 20.08.2026 as it was contended by counsel for the petitioner therein on the strength of Section 21 (3) (iii) of the Adhiniyam, 1993 that once the first no confidence motion has been rejected, the second no confidence motion cannot lie within one year thereon. However, the first no confidence motion has to be “**rejected**” to attract the embargo of one year. In the case of **Smt. Neelima Sahu**, meeting

of second no confidence motion against the petitioner therein was held to be in accordance with law as earlier no confidence motion could not take place due to technical defects which was not rejected in the earlier occasion. The said circumstances also apply to the present case as the no confidence motion scheduled to be held on 04.09.2026 is held to be not in accordance with law by this Court.

8. In view of the above, the concerned authorities including Up-Sarpanch and Panches of the concerned Gram Panchayat are at liberty to initiate fresh proceedings of no confidence motion, however, the same shall be initiated strictly in adherence to the procedures as mandated under the Rules, 1994 and Adhiniyam, 1993. Further, it is also directed that the authorities shall not deviate themselves from the procedures prescribed therein.
9. With the observations/directions, the Writ Petition is finally disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay