

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1545 of 2016**

- Narsingh Thakur S/o Shri Maniram Thakur, Aged About 46 Years By Caste Gond Occupation Ex Sarpanch Of Gram Panchayat Amalidih, Janpad Panchayat Pithoura, R/o Village Amalidih, Thana & Tahsil Pithora, Civil & Revenue District Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat & Rural Development Department Mahanadi Bhawan Capital Complex, New Raipur, Civil & Revenue District Raipur Chhattisgarh
2. Collector, Mahasamund, District Mahasamund Chhattisgarh
3. Sub Divisional Officer, (Revenue)/Prescribed Officer Pithoura, District Mahasamund Chhattisgarh
4. Tahsildar Pithoura, District Mahasamund Chhattisgarh

---- Respondent

For Petitioner : Shri Sunil Sahu, Advocate.
 For Respondents : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****22/06/2016**

1. The petitioner would assail the order passed by the Collector dismissing his representation under Section 21 (4) of the CG Panchayat Raj Adhiniyam, 1993 (for short 'the Act') which in turn was preferred against the motion of no confidence carried against the petitioner by resolution passed in the meeting convened for the said purpose on 19.5.2016.
2. It is argued that notice served on the prescribed authority requesting for convening of meeting for consideration of no confidence motion was not in

prescribed format as appended to the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janapad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994 (for short 'the Rules, 1994') and secondly, there being specific provisions contained in Section 21-A for recalling of office bearers of Gram Panchayat by members of Gram Sabha, the petitioner could not have been ousted by passing a no confidence motion.

3. No other point has been urged by learned counsel for the petitioner before this Court.
4. Perusal of notice (Annexure-P/2) signed by 13 Panchas would reveal that the same is in conformity with the format prescribed under the Rules, 1994 because the said format only provides for name of the office bearer against whom motion of no confidence is to be brought and grounds for moving no confidence motion. Notice (Annexure-P/2) clearly states that the same is brought against the Sarpanch of Gram Panchayat Amlideeh and the reasons/grounds for moving such motion of no confidence are also mentioned therein. Thus, the notice is in prescribed format although the word form or notice of no confidence or relevant provisions of law is not mentioned but it is in substantial compliance of the prescribed format.
5. The other ground rests on the provisions contained in Section 21A of the Act is referred only to be rejected because office of Sarpanch being statutory office for which election is held under the statute, the method of removal of such office bearer can be provided in the statute itself unless the same is unconstitutional. Even in that situation, the petitioner has to seek declaration that the provisions are ultra vires. In this Writ Petition brought before the Single Bench, neither such prayer has been made nor the same

can be agitated before the Single Bench.

6. There being no substance in the Writ Petition, the same deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve