

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3154 of 2016**

- Smt. Aghghan Bai W/o Munna Koshle, Aged About 40 Years R/o Gram Panchayat, Sonbarsa, Tahsil Kawardha, District Kabirdham, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector, Kawardha, District Kabirdham, (Chhattisgarh)
3. The Sub Divisional Officer (Revenue)/ Prescribed Authority, Kawardha, District Kabirdham, (Chhattisgarh)
4. The Chief Executive Officer, Janpad Panchayat, Kawardha, District Kabirdham (Chhattisgarh)
5. The Tahsildar, Kawardha, District Kabirdham, (Chhattisgarh)
6. The Secretary, Gram Panchayat, Sonbarsa, Tahsil Kawardha, District Kabirdham, (Chhattisgarh)
7. Up Sarpanch, Gram Panchayat, Sonbarsa, Tahsil Kawardha, District Kabirdham, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sanjay Patel, Advocate
For Respondents-State	:	Shri Vinod Deshmukh, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****21/12/2016**

1. Petitioner is the ousted Sarpanch of Gram Panchayat Sonbarsa, Janpad Panchayat, Kawardha. In a duly convened meeting to consider the motion of no confidence, the Gram Panchayat passed a resolution on 14.10.2016, wherein the motion of no confidence was passed against the petitioner by a majority of 11:3. Reference under Section 21 (4) of the Chhattisgarh

Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam, 1993') against the said no confidence motion and ouster from office was challenged before the Collector, Kabirdham, which has been dismissed by the impugned order.

2. The only ground raised in this petition is that there is violation of Rule 3 of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994 (for short 'the Niyam, 1994'), inasmuch as, the petitioner was not allowed to speak when the no confidence was taken up for consideration and voting, therefore, principles of natural justice ingrained in the said rule has been violated.
3. I have perused the resolution passed by the SDO on 14.10.2016. It is categorically mentioned in the resolution that the Presiding Officer apprised Sarpanch and the Panch about the Rules, 1994 and the manner of marking the ballot and thereafter opportunity was provided to the Sarpanch and Panchas as well to speak. The members of the panchayat present in the meeting accorded consent to move further and thereafter the resolution was put to vote. Thus, the record itself indicates that the petitioner was allowed to speak in the meeting. If the petitioner failed to avail the opportunity and did not address the Panchas, the fault lies with him and not with the Presiding Officer. It is not a case of denial of opportunity of hearing or opportunity to speak in the meeting.
4. There is no substance in the writ petition. It fails and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra