

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2520 of 2016

1. Sheetal Singh Rathiya S/o Late Leela Ram, Aged About 50 Years Elected Sarpanch Of Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh (Chhattisgarh), R/o Village & Post Binjhkot, P.S. Bhupdevpur, Tahsil Kharsiya, District Raigarh, (Chhattisgarh)

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Versus

1. Madhusudan Rathiya S/o Mahesh Ram, Aged About 32 Years Elected Panch Of Ward No.2, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh, (Chhattisgarh)
2. Smt. Kaushilya Rathiya, W/o Lal Sai, Aged About 30 Years Elected Panch Of Ward No.3, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh, (Chhattisgarh)
3. Smt. Sunita Dansena, W/o Yogesh Dansena, Aged About 29 Years Elected Panch Of Ward No.1, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh, (Chhattisgarh)
4. Smt. Annpurna Rathiya, W/o Mahendra Rathiya, Aged About 33 Years Elected Panch Of Ward No.5, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh, (Chhattisgarh)
5. Ishwar Yadav S/o Nand Lal Aged About 38 Years Elected Panch Of Ward No. 6, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh (Chhattisgarh)
6. Chhoti Bai Sarthi W/o Karmu Sarthi, Aged About 37 Years Elected Panch Of Ward No. 7, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh (Chhattisgarh)
7. Mahendra Kumar Rathiya S/o Krishna Chandra, Aged About 36 Years Elected Panch Of Ward No. 8 & Up Sarpanch, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh (Chhattisgarh)

8. Smt. Sumitra Bai Kumhar W/o Chhabi Lal, Aged About 51 Years Elected Panch Of Ward No. 9, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh (Chhattisgarh)
9. Hira Lal Kumhar S/o Baisakhu, Aged About 35 Years Elected Panch Of Ward No. 10, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh (Chhattisgarh)
10. Smt. Saroj Rathiya W/o Hariprasad, Aged About 31 Years Elected Panch Of Ward No. 4, Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh (Chhattisgarh)

All respondents No.1 to 10 are R/o. Village & Post Binjhkot, P. S. Bhpdevpur, Tahsil Kharsiya, District Raigarh (Chhattisgarh)

11. Sub Divisional Officer (R) Kharsiya, District Raigarh (Chhattisgarh)
12. Sankirtan Dehri, Naib Tahsildar & Presiding Officer, Kharsiya, District Raigarh (Chhattisgarh)

---- Respondent

For Petitioner	Shri R.K. Tiwari & Shri F.S. Khare, Advocate
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For Respondent/State	Shri U.N.S. Deo, Govt. Advocate
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Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/10/2016

1. The proceedings of no confidence motion initiated against the petitioner who is the Sarpanch of Gram Panchayat Binjhkot, Tahsil Kharsiya, District Raigarh, has been assailed on the ground that the notice Annexure – P/4 does not conform to the requirement of Rule 3 (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 Prastava) Niyam, 1994.

2. Learned counsel for the State would fairly submit that the rule requires dispatch of notice 7 days ahead of the date of notice whereas notice Annexure – P/4 gives 5 or 6 days time to the Panchas and the petitioner for attending the meeting of no confidence motion.
3. Shri Deo, learned Govt. Advocate, was directed to seek instructions from the concerned Sub Divisional Officer as to what happened to the meeting, which was scheduled to be held at 10.30 am today.
4. Shri Deo would submit, on instructions, that due to indisposition of the Presiding Officer the meeting of no confidence has been postponed.
5. In view of the above, since the meeting has not taken place, the Sub Divisional Officer (Revenue)-cum-Prescribed Authority, who has issued notice Annexure – P/4, is directed to issue fresh notice to convene the meeting of Gram Panchayat to consider the motion of no confidence by giving

7 clear days notice to the Panchas and the petitioner before the date of meeting of no confidence. Let the proceedings be completed within six weeks from today.

6. Accordingly, the writ petition is disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Gowri