

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.3192 of 2017**

Smt. Manju Nirala W/o. Tularam Nirala, Aged About 28 Years Sarpanch
Gram Panchayat Barbhata, R/o Village Barbhata, Purani Basti, P.S.
Sarangarh, District Raigarh, Chhattisgarh

---- Petitioner

Versus

- 1.** State Of Chhattisgarh Through The Collector, Raigarh, District Raigarh, Chhattisgarh
- 2.** Sub Divisional Officer-cum-Prescribed Officer, Sarangarh, District Raigarh, Chhattisgarh
- 3.** The Chief Executive Officer, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh
- 4.** Parvati Jangade W/o Mansai Jangade, Aged About 40 Years, Panch Of Ward No.7 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh
- 5.** Fitaram Ajay S/o Sukhru Ajay, Aged About 42 Years Caste Satnami, Panch Of Ward No.1 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh
- 6.** Smt. Gunja Khare W/o Shivkumar Kurre, Aged About 30 Years Panch Of Ward No.2 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh
- 7.** Smt. Urmila Jangade W/o Bhagau Jangade, Aged About 55 Years Panch Of Ward No.3 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh
- 8.** Labho Jangade S/o Karma Jangade, Aged About 47 Years Panch Of Ward No.4 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh
- 9.** Smt. Saviri Kurre W/o Gaurisingh Kurre, Aged About 45 Years Panch Of Ward No.5 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh
- 10.** Krishanlal Kurre S/o Udayram Kurre, Aged About 40 Years Panch Of Ward No.8 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh
- 11.** Sumrit Jolha W/o Ram Singh Jolha, Aged About 46 Years Panch Of Ward No.9 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh
- 12.** Soni Mahilane W/o Rajeev Kumar, Aged About 27 Years Panch Of Ward No.10 Gram Panchayat Barbhata, Office Of Gram Panchayat Barbhata, Village Barbhata, Tahsil Sarangarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr.Shailendra Dubey, Advocate
For Respondents No.1&2	:	Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

27/11/2017

1. Learned counsel for the petitioner would submit that proceedings initiated for no confidence pursuant to the motion issued by the respondents/panchas is contrary to Rule 3(2) of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Upsarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice President Ke Viruddh Avishwas Prastava) Niyam, 1994 (hereinafter called as 'the Rules of 1994'). It is argued that when the application was presented by few panchas on 4.10.2017 vide Annexure P/2, the prescribed authority did not sign to certify stating the date, on which hour and at which time the notice has been given to him and has not acknowledged its receipt. It is also submitted that the prescribed authority verified the signatures even without summoning the list of office bearers of the concerned Gram Panchayat from the CEO, which was ordered to be called after the verification.
2. On the other hand, learned Deputy Advocate General for respondents No.1 and 2/State would submit that the prescribed authority has entertained the application and also examined Up-Sarpanch and other panchas who were present and thereafter called the list of office bearers and directed the notice to be issued.
3. I have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and also

gone through the records with utmost circumspection.

4. A careful perusal of the order dated 14.11.2017 would show that the Sub Divisional Officer-cum-Prescribed Authority, Sarangarh has clearly acknowledged the receipt of notice of no confidence motion in the shape of order-sheet dated 14.11.2017 and directed for registration of the case and also examined Up-Sarpanch and other panchas, which has also been filed along with this writ petition. The prescribed authority has also summoned the list of office bearers of the concerned Gram Panchayat.
5. It appears that notices were issued for convening no confidence motion on 16.11.2017, as such, Rule 3(2) of the Rules of 1994 has been complied with substantially.
6. Mr.Dubey also submits that there is no compliance of Section 21(3) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (hereinafter called as 'the Act of 1993'). The petitioner has not shown that the present no confidence motion is barred by any of the clauses mentioned in Section 21(3) of the Act of 1993.
7. In view of above, I do not find any merit in the writ petition. The writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-