

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.2155 of 2017

Smt. Mangali Bai Patel W/o Shri Bhagwani Patel Aged About 61 Years Working As Incharge Of Sarpanch, Gram Panchayat Gidhpuri, Tahsil Masturi, District- Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. Additional Collector, Bilaspur District- Bilaspur, Chhattisgarh
3. Sub Divisional Officer (Rev), Masturi, District Bilaspur, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat, Masturi, District Bilaspur, Chhattisgarh
5. Gram Panchayat Gidhpuri, Through Secretary, Janpad Panchayat Masturi, District Bilaspur, Chhattisgarh
6. Smt. Kamla Bai W/o Kaushal Prasad Patel Aged About 42 Years Sarpanch Of Gram Panchayat Gidhpuri, Janpad Panchayat Masturi, District- Bilaspur.Chhattisgarh

---- Respondents

For Petitioner : Mr. Shiv Kumar Guha, Advocate.
For State : Mr. Dhiraj Wankhede, Govt. Advocate
For Resp. No.6 : Mr. Dharmesh Shrivastava, Advocate

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

04/12/2017

(1) No confidence motion was passed against respondent No.6 on 19.04.2017 and thereafter, she moved an application under Section 21(4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 before the Collector, Bilaspur and the

Additional Collector by the impugned order dated 11.05.2017 stayed the resolution of no confidence motion, against which this writ petition has been filed by the petitioner herein.

(2) Learned counsel appearing for the petitioner would submit that Additional Collector has no jurisdiction to entertain the application for interim relief.

(3) Learned counsel appearing for the respondent No.6 would support the impugned order.

(4) Result of no confidence motion can be challenged by raising dispute before the Collector, as such, the Additional Collector has no jurisdiction and authority to entertain any application granting interim order and in view of the decision of the M.P. High Court in the matter of **Babulal Jain and others v. The State of Madhya Pradesh and others** reported in **1966 M.P.L.J. 901** in which Their Lordships have held that Collector has no power to direct that a motion of no-confidence passed under Section 47 of the Madhya Pradesh Municipalities Act, 1961 shall not take effect.

(5) In view of the above, the order passed by the Additional Collector is set aside. However, the Additional Collector is directed to consider and decide the dispute afresh expeditiously from the date of receipt of certified copy of this order.

(6) With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-