

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3045 of 2017**

Smt. Gangotri Nirala W/o Shri Vijay Bhushan Nirala, Aged About 45 Years
Sarpanch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh,
District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. Sub Divisional Officer (Revenue) Sarangarh And Prescribe Authority (Panchayat) Sarangarh, District Raigarh, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
4. Anjora Bai Chandra, W/o Late Jethuram Chandra, Aged About 67 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
5. Devlal Chandra, S/o Manglu Chandra, Aged About 63 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
6. Ganga Bai Yadav, W/o Bhagwat Yadav, Aged About 51 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
7. Ram Kumar, S/o Shankarlal, Aged About 30 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
8. Shankar Jangde, S/o Baldu Das, Aged About 46 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
9. Ram Prasad Koshle, S/o Chand Ram Koshle, Aged About 35 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
10. Laxmin Anant, W/o Gore Anant, Aged About 34 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
11. Amrita Yadav, W/o Yaduvanshi Yadav, Aged About 26 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.

12. Naresh Yadav, S/o Ajit Yadav, Aged About 58 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
13. Shiv Kumar Yadav, S/o Chamru @ Hariram, Aged About 41 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
14. Jamuna Yadav, W/o Lekhram Yadav, Aged About 35 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
15. Budeshwar Chandra, S/o Nawdha Chandra, Aged About 34 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
16. Tulsi Bai Tandon, W/o Laxman Prasad Tandon, Aged About 39 Years Panch, Gram Panchayat Uchchabhitthi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sanjay Patel, Advocate.
For Respondents/ State	:	Mr. Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/11/17

Heard.

1. Learned counsel for the petitioner would submit that when the application was presented by Panchas on 02.11.2017 vide Annexure- P/2, the prescribed authority did not sign to certify stating that the date, on which hour and at which the notice has been given to him and has not acknowledged its receipt and, therefore, it is in violation 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 Prastav) Niyam, 1994 (for short 'Niyam, 1994') and this case is identical to WPC Nos. 597/2017 and 2801/2017 therefore, the No Confidence Motion which is fixed on 15.11.2017 deserves to be stayed.

2. I have heard learned counsel for the petitioner and carefully gone

through the records.

3. In this case, the State counsel was directed to seek instructions on 13.11.2017 and on 14.11.2017, he has produced the record in which the prescribed authority has acknowledged the notice on No Confidence Motion in this separately recorded order sheet on 02.11.2017 and in which the panchas who have submitted the No Confidence Motion have signed the order sheet duly recorded by the Prescribed Authority and the said authority has also called the list of office bearers of the Gram Panchayat, Uchchabhitthi. Therefore, the Rule 3(2) has substantially been complied with and this case is not identical with the aforesaid two writ petitions. I do not find any merit in the writ petition.

4. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge