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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3013 of 2016

- Smt. Ghurai Bai Manhji W/o Shri Bal Sugiv, Aged About 42 Years Sarpanch Gram Panchayat Kudumkela, Tahsil Gharghoda, District Raigarh Civil And Revenue District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector Raigarh, District Raigarh Chhattisgarh
2. Sub Divisional Officer, (Revenue) Cum Prescribed Officer, Ghargoda, District Raigarh Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Gharghoda, District Raigarh Chhattisgarh
4. The Secretary, Gram Panchayat Kudumkela, Tahsil Gharghoda, District Raigarh Chhattisgarh

---- Respondent

For Petitioner : Shri M.K. Sinha, Advocate.
For Respondent/State : Shri Rajendra Tripathi, Panel Lawyer.
For Intervenors : Shri Anand Mohan Tiwari, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/02/2017

1. Both the parties would submit that because of non-compliance of the provisions contained in Section 21 read with Rule 3 (3) of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janapad Panchayat Tatha Zila Panchayat Ke President Tatha

Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994 (henceforth 'the Rules, 1994'), result of no confidence motion has been vitally affected. Therefore, the resolution passed in the meeting to consider no-confidence motion may be set aside and the matter may be remitted back to the concerned SDO (RevJABALPUR - JBPenue) for initiating fresh proceeding of no confidence motion.

2. It is ordered accordingly.

3. If any fresh application is moved by the Panchas for convening a meeting of the Gram Panchayat to consider no confidence motion, the same shall be considered on merits without being affected by bar of one year as earlier motion of no confidence has been annulled for non compliance of the provisions and the meeting is deemed to have been convened contrary to law as if there was no consideration of the motion of no confidence on merits.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve