

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1333 of 2017

Kiran Chelak, wife of Shri Laxminarayan Chelak, aged about 30 years, working as Incharge of Sarpanch, Gram Panchayat Sudhela, Janpad Panchayat Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Mantralaya New Raipur (C.G.)
2. Sub Divisional Officer (Rev), Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)
3. Chief Executive Officer, Janpad Panchayat, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)
4. Gram Panchayat Sudhela, through Secretary, Janpad Panchayat Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)
5. Smt. Usha Bai, wife of Devprasad Verma, Sarpanch of Gram Panchayat Sudhela, Janpad Panchayat Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)

---- Respondents

For Petitioner: Mr. Sanjay Patel, Advocate.
 For State/Respondents No.1 and 2: -
 Mr. Ashish Surana, Panel Lawyer.
 For Respondent No.5: Mr. Ashok Varma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/07/2017

1. No confidence motion was passed against respondent No.5 and thereafter, she moved an application before the Sub Divisional Officer (Revenue) and the Sub Divisional Officer (Revenue) by the impugned order, stayed the result of no confidence motion till the appeal is preferred by respondent No.5 against which this writ petition has been filed.
2. Learned counsel for the petitioner would submit that the Sub

Divisional Officer (Revenue) has no jurisdiction to entertain the dispute even for the interim period as the dispute is raised under Section 21 (4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 before the Collector, as such, the order is without jurisdiction.

3. Learned counsel appearing for respondent No.5 would support the impugned order.
 4. Result of no confidence motion can be challenged by raising dispute before the Collector under Section 21 (4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, as such, the Sub Divisional Officer (Revenue) has no jurisdiction and authority to entertain any application granting interim order to facilitate the filing of appeal, therefore, Section 52 of the Chhattisgarh Land Revenue Code, 1959, does not authorise him to exercise that power, 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**¹ in which Their Lordships of the Division Bench 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 motion is set aside. However, this will not bar respondent No.5 to raise dispute before the competent authority, in accordance with law.
 6. The writ petition is allowed to the extent indicated herein-above.
- No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma

1 1966 M.P.L.J. 901