

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.2810 of 2017

Smt. Malti Anant S/o Shri Anat Kumar Anant Aged About 35 Years Sarpanch, Gram Panchayat Sardhabhata, Tahsil Bilaigarh District Balodabazar Chhattisgarh Civil & Revenue District Balodabazar Bhatapara

---- Petitioner

Versus

- 1.** State Of Chhattisgarh Through The Collector, Balodabazar, District Balodabazar Chhattisgarh
- 2.** The Sub Divisional Officer-Cum-Prescribed Officers, Bilaigarh, Chhattisgarh
- 3.** The Chief Executive Officer, Janpad Panchayat Bhilaigarh District Balodabazar Bhatapara Chhattisgarh
- 4.** Smt. Tulsibai Manikpuri W/o Lochandas Manikpuri Aged About 34 Years Panch Of Ward No. 1, Gram Panchayat Sardhabhata, Tahsil Bilaigarh, District Balodabazar Bhatapara, Chhattisgarh
- 5.** Ravishankar Kurre S/o Tiharu Kurre Aged About 49 Years Panch Of Ward No. 2 Gram Panchayat Bilaigarh District Balodabazar Bhatapara Chhattisgarh
- 6.** Sohanlal Jangde S/o Late Maniram Aged About 45 Years Panch Of Ward No. 3 Gram Panchayat Sardhabhata Tahsil Bilaigarh District Balodabazar Bhatapata Chhattisgarh
- 7.** Dwarika Kurre S/o Late Talaram Kurre Aged About 50 Years Panch Of Ward No. 4, Gram Panchayat Sardhabhata, Tahsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh
- 8.** Ambika Jangde W/o Dauram Janjde Aged About 30 Years Panch Of Ward No. 5, Gram Panchayat Sardhabhata, Tahsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh
- 9.** Shanti Devi W/o Bhim Ratnakar Aged About 50 Years Panch Of Ward No. 6 Gram Panchayat Sardhabhata, Tahsil Bilaigarh District Balodabazar Bhatapara Chhattisgarh
- 10.** Setbai Banjare W/o Goverdhan Banjare Aged About 38 Years Panch Of Ward No. 7, Gram Panchayat Sardhabhata Tahsil Bilaigarh, District Balodabazar, Bhatapara Chhattisgarh
- 11.** Jamunabai W/o Awadhram Aged About 57 Years Panch Of Ward No. 9, Gram Panchayat Sardhabhata, Tahsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh
- 12.** Lakeshwari Kurre, W/o Guharam Kurre Aged About 55 Years Panch Of Ward No. 10, Gram Panchayat Sardhabhata, Tahsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh
- 13.** Khageshwar Prasad Kurre S/o Kunkun Kurre Aged About 38 Years Panch Of Ward No. 11, Gram Panchayat Sardhabhata, Tahsil Bilaigarh District Balodabazar Bhatapara Chhattisgarh

---- Respondents

For Petitioner	:	Mr.Shailendra Dubey, Advocate
For Respondents No.1 to 3	:	Mr.Aditya Sharma, P.L.
For Respondent No.4	:	Mr.Aditya Tiwari, Advocate
For Respondents No.5 to 13:		Mr.Raghvendra Pradhan, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/12/2017

1. Referring 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 by learned counsel for the petitioner 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 Chief Executive Officer, which was ordered to be called after the verification.

2. On the other hand, learned counsel for respondents No.5 to 13 who have moved 'No Confidence Motion', would submit that the impugned order be set aside and the matter be remanded back to the Sub Divisional Officer/Prescribed Authority for passing the order afresh in accordance with Rule

3(2) of the Rules of 1994.

- 3.** In view of submission made by learned counsel appearing for the parties, the impugned order is set aside. The matter is remanded back to the Sub Divisional Officer/Prescribed Authority, Bilaigarh, who after following Rule 3(2) of the Rules of 1994 shall consider and pass afresh order in accordance with law complying Rule 3(2) of the Rules of 1994 and to proceed further to convene the meeting accordingly. Such exercise will be done within 10 days from the date of receipt/production of a copy of this order.
- 4.** The writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-