

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.60 of 2018**

Smt. Meena Sidar Wd/o. Late Dilaram Sidar, aged about 40 years,
Sarpanch of Gram Panchayat Chhote Mudpar, Tehsil and Police
Station Kharsia, District Raigarh (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through Secretary, Department of Panchayat & Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (CG)
2. Collector, Raigarh, District Raigarh (CG)
3. Sub Divisional Officer (Reenue), Kharsia, District Raigarh (CG)

---- Respondents

For Petitioner	:	Mr.Govind Dewangan, Advocate
For Respondents	:	Mr.Ashish Surana, P.L.

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

10/1/2018

1. 'No Confidence Motion' was placed for consideration before the Sub Divisional Officer-cum-Prescribed Authority on 26.12.2017 and said authority has directed and convened the meeting of 'No Confidence' on 11.1.2018. Against that, this writ petition has been filed by the petitioner herein.
2. Learned counsel for the petitioner would submit that this writ petition has been filed by the Sarpanch on the ground that meeting of 'No Confidence Motion' cannot be held after the period of fifteen days as prescribed under sub-rule (3) of Rule 3 of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Viruddh

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Avishwas Prastav) Niyam, 1994 (hereinafter called as 'the Rules of 1994'). He would further submit that the Sub Divisional Officer has not satisfied himself about the admissibility of notice of 'No Confidence Motion', which is apparent from Annexure P/1, therefore, it be set aside.

3. On the other hand, learned State Counsel would oppose the writ petition.

4. I have heard learned counsel for the parties and perused the documents appended with the writ petition.

5. Application for convening meeting of 'No Confidence' was presented before the Prescribed Authority on 26.12.2017 and 'No Confidence Motion' has been convened on 11.1.2018. Sub-rule (3) of Rule 3 of the Rules 1994 provides that on being satisfied the Prescribed Authority shall fix the date, time and place for the meeting of 'No Confidence Motion', which shall not be more than fifteen days from the date of receipt of said notice.

6. In the matter of **Pioneer Motors Ltd. Vs. Municipal Council, Nagercoil**¹, the Supreme Court has held that when the statute uses the expression 'not more than so many days' both the terminal days have to be excluded and the number of days mentioned must be clear days. Here the statute itself has indicated the period fifteen days and, therefore, both the terminal days have to be excluded. Relevant passage from paragraph 8 of the judgment reads as

¹ AIR 1967 SC 684

follows:-

“.....the words “not being less than one month” do imply that clear one month’s notice was necessary to be given, that is, both the first days and the last days of the month had to be excluded. To put it in the language used by Maxwell on Interpretation of Statutes, 10th Edition, p. 351:-

“When.....‘not less than’ so many days are to intervene, both the terminal days are excluded from the computation.”

7. Aforesaid view has been reiterated by the Supreme Court in the matter of **Jai Charan Lal Anal Vs. State of U.P. and others**².

8. In the present case, if both the terminal days i.e. 26.12.2017 and 11.1.2018 are excluded, there are clear 15 days. Therefore, meeting has rightly been convened on 11.1.2018. The Sub Divisional Officer/Prescribed Authority has satisfied himself about the admissibility of notice of 'No Confidence'. I do not find merit in this writ petition.

9. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed in *limine*. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-