

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.4 of 2018

Smt. Sandhya Rathore W/o Late Jamuna Prasad Rathore, Aged About 57 Years Vice President Of Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Urban Affairs Department, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. Collector Cum Prescribed Authority, Janjgir Champa, District Janjgir- Champa, Chhattisgarh
3. Rajendra Kumar Yadav, Son Of Raghunath Prasad, Councillor Ward No. 1, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
4. Manglu Nageshiya, Son Of Late Doulatram, Councillor, Ward No. 2, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
5. Smt. Sunita Shoura, W/o Deepnarayan, Councilor, Ward No. 3, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
6. Thakur Durgesh Singh @ Dara Singh, Son Of Thakur Harprasad Singh Rathore, Councilor Ward No. 4, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
7. Smt. Mandakini Rathore, W/o Thakur Digvijay Singh Rathore, Councillor Ward No. 7, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
8. Dinesh Ratre, Son Of Shani Lal Rathore, Councillor, Ward No. 8, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
9. Smt. Anita Suryavanshi, W/o Late Bodhram Suryavanshi, Councillor Ward No. 9, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
10. Ramkishan Sonwan, Son Of Premnath Sonwan, Councillor Ward No. 10, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
11. Smt. Hemlata Rathore, W/o Dileshwar Rathore, Councillor, Ward No. 11, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
12. Sahasram Karsh, Son Of Naklu Karsh, Councillor Ward No. 12, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
13. Dhanesh Kumar Rathore, Son Of Devprasad, Councillor, Ward No. 13, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh
14. Chhabi Lal Darrya, Son Of Lakhan Lal Darrya, Councillor Ward No. 15, Nagar Panchayat Saragaon, District Janjgir- Champa, Chhattisgarh

For Petitioner	:	Mr.Rakesh Pandey, Advocate
For Respondents No.1&2	:	Mr.Shashank Thakur, Govt.Advocate
For Res.No.3 to 14	:	Mr.Rajeev Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/02/2018

1. Learned counsel appearing for the petitioner would submit that the petitioner was elected as Vice-President of Nagar Panchayat, Saragaon on 17.1.2015 and has not completed two years and the No Confidence Motion has been moved against her on 26.12.2017 which is barred under proviso (i) to sub-section (1) of Section 43(A) of the Chhattisgarh Municipalities Act, 1961 (hereinafter called as 'the Act of 1961').
2. On the other hand, learned Government Advocate appearing for respondents No.1 & 2 and learned counsel appearing for respondents No.3 to 14 would submit that the petitioner was elected as Vice-President of Nagar Panchayat Saragaon on 17.1.2015 and two years has already been expired on 17.1.2017 and notice of No confidence was moved on 26.12.2017 i.e. much after the expiry of two years as contemplated under Section 43-A (1) (i) of the Act of 1961, therefore, motion of No Confidence as moved was not barred by the aforesaid provisions.
3. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the records with utmost circumspection.

4. It is not in dispute that the petitioner was elected as Vice-President of Nagar Panchayat, Saragaon on 17.1.2015 and two years has already been expired on 17.1.2017 and notice of No confidence was moved on 26.12.2017 i.e. much after the expiry of two years as contemplated under Section 43-A (1) (i) of the Act of 1961, therefore, notice of No Confidence was not barred by the aforesaid provisions.
5. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. Respondent No.2 is directed to proceed further in accordance with law expeditiously. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-