

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WPC No.176 of 2018**

1. Smt Soni Sahu W/o Mohan Sahu Aged About 50 Years, Panch Ward No.6
  2. Smt. Shakuntala Sahu W/o Shyamlal Sahu Aged About 39 Years Panch Ward No. 1
  3. Hulesh Jatwar S/o Kunjram Jatwar Aged About 28 Years Panch Ward No. 2
  4. Harihar Sahu S/o Nandlal Sahu Aged About 45 Years Panch Ward No. 3
  5. Smt. Sunita Kurre W/o Bhola Kurre , Aged About 52 Years Panch Ward No. 4
  6. Smt. Gomti Sahu W/o Raghuwar Sahu Aged About 49 Years Panch Ward No. 5
  7. Smt. Gayatri Sahu W/o Manoj Sahu , Aged About 26 Years Panch Ward No. 7
  8. Smt. Rajkumari W/o Ramkrishno Jatwar Aged About 29 Years Panch Ward No. 8
  9. Kishore Jolhe S/o Shri Khikram Aged About 42 Years Panch Ward No. 9
  10. Smt Sevti W/o Shri Vikay Jatwar Aged About 34 Years Panch Ward No. 10
  11. Purshottam Sahu S/o Shri Kirtan Sahu Aged About 31 Years Panch Ward No. 11
  12. Gangadhar Sahu S/o Shri Asharam Sahu Aged About 38 Years Panch Ward No. 12
  13. Smt. Rukunwar Sahu W/o Jivrakhan Aged About 53 Years Panch Ward No. 13
  14. Smt. Pooja Kurre W/o Shri Purshottam Kurre Aged About 23 Years Panch Ward No. 14
- All Resident of Village Kapisda Tahsil Sarangarh District Raigarh Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary , Panchayat And Rural Development Department Mantralaya Mahanadi Bhawan New Raipur Chhattisgarh
2. The Additional Commissioner Bilaspur Division , Bilaspur, Camp Raigarh, District Bilaspur Chhattisgarh
3. The Collector, Raigarh District Raigarh Chhattisgarh
4. Sub Divisional Officer (Revenue) & Prescribed Authority (Panchayat) Sarangarh District Raigarh Chhattisgarh
5. Shri Ram Sahu D/o Late Nanku Sahu R/o Village Kapisda Tahsil Sarangarh District Raigarh Chhattisgarh

---- Respondents

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|---------------------------|---|----------------------------------|
| For Petitioners           | : | Mr.Rajesh Kumar Sharma, Advocate |
| For Respondents No.1 to 4 | : | Mr.R.N.Pusty, Govt.Advocate      |
| For Respondent No.5       | : | Mr.B.N.Nande, Advocate           |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

26/02/2018

1. Learned counsel for the petitioner would submit that 'No Confidence Motion' was carried-out against respondent No.5 and that was upheld by the Collector, Raigarh in a dispute raised under Section 21(4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (hereinafter called as 'the Act of 1993'). In a revision filed by respondent No.5, Additional Commissioner, Bilaspur Division, Bilaspur has stayed the motion of No Confidence, which was carried-out against respondent No.5, which is unsustainable and bad in law in view of the law declared by this Court in WPC No.1390 of 2016 vide order dated 7.4.2017 (Chetan Kurre and others v. State of Chhattisgarh and others).
2. On the other hand, learned counsel for respondent No.5 would support the impugned order.
3. I have heard learned counsel for the parties and perused the impugned order and other documents appended with the writ petition.
4. This Court in **Chetan Kurre** (supra) speaking through Prashant Kumar Mishra, J. has held in para 25 and 26 as under:-

“25. In view of the binding nature of law declared by the Division Bench of the M.P. High Court prior to 1.11.2000, this Court would follow the

earlier Division Bench decisions to hold that the moment motion of no confidence is carried against Sarpanch or Up-Sarpanch, as the case may be, he ceased to hold the office forthwith and nothing remains for the Collector to stay the effect and operation of carrying of no confidence motion.

26. In the result, WPC Nos.1390/2016, 2014/2016 and 2127/2016 are thus allowed and the interim orders passed by the respective Collectors in those cases are set aside. WPC No.3036/2016 preferred by Smt. Pooja Rathore, incumbent Sarpanch for direction to the concerned Collector to dispose of the pending reference is disposed of with a direction that the Collector shall decide the pending reference at the earliest, preferably within a period of 2 months from today. In 3 other writ petitions which have been allowed by this Court, if the reference is still pending under Section 21 (4) of the Adhiniyam, the same direction shall apply.”

5. In view of above, the impugned order dated 10.1.2018 (Annexure P/1) passed by the Additional Commissioner, Bilaspur Division, Bilaspur staying the motion of No Confidence which was carried-out is hereby set aside. The Commissioner/Additional Commissioner, Bilaspur Division, Bilaspur is directed to consider and dispose off the revision preferred by respondent No.5 within one month from the date of receipt/production of a copy of this order after hearing all the parties without being influenced by any observation made hereinabove.
6. The writ petition is allowed to the extent indicated herein-above.  
No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge