

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 597 of 2017**

Khagesh Ram Sonwani S/o Shri Shyam Lal Sonwani, Aged About 39 Years Sarpanch, Gram Panchayat Chakarda, District Balodabazar Bhatapara (Chhattisgarh), Civil & Revenue District Baloda Bazar Bhatapara.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Panchayat, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)
2. The Collector, District Baloda Bazar Bhatapara, (Chhattisgarh)
3. The Sub Divisional Officer & Prescribed Officer, Bilaigarh, District Baloda Bazar Bhatapara, (Chhattisgarh)
4. Miss Rajni Bhagat, Tahsildar/ Presiding Officer, Bilaigarh, District Baloda Bazar Bhatapara, (Chhattisgarh)
5. The Janpad Panchayat Bilaigarh, Through Its Chief Executive Officer, District Baloda Bazar Bhatapara, (Chhattisgarh)
6. Uttari Bai, W/o Ramchandra Sahu, Panch Gram Panchayat Chakarda, District Baloda Bazar Bhatapara, (Chhattisgarh)
7. Gyandas, S/o Tikaram, Panch, Gram Panchayat Chakarda, District Baloda Bazar Bhatapara, (Chhattisgarh)
8. Sahebram, S/o Biseshar, Panch Gram Panchayat Chakarda, District Balodabazar Bhatapara, (Chhattisgarh)
9. Ombai, W/o Shyam Sundar, Panch Gram Panchayat Chakarda, District Baloda Bazar Bhatapara, (Chhattisgarh)
10. Rajni Sahu, W/o Dhansai, Panch Gram Panchayat Chakarda, District Baloda Bazar Bhatapara, (Chhattisgarh)
11. Shyam Bai, W/o Sirdhar, Panch Gram Panchayat, Chakarda, District Balodabazar Bhatapara, (Chhattisgarh)
12. Sunita Kurre, W/o Pukram, Panch Gram Panchayat Chakarda, District Baloda Bazar Bhatapara, (Chhattisgarh)
13. Anil Kumar Ratre, S/o Damru, Panch Gram Panchayat Chakarda, District Balodabazar Bhatapara, (Chhattisgarh)
14. Rambai Sahu, Panch Gram Panchayat Chakarda, District Baloda Bazar Bhatapara, (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Shailendra Dubey, Advocate.
 For State : Mr. Sangharsh Pandey, Govt. Advocate.
 For Respondents No. 7, 9, 11, 12 & 14 : Mr. Praveen Dhurandhar, Advocate.
 For Respondent No. 6 : Mr. Pawan Kesharwani, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/01/2018

(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 27.02.2017 vide Annexure P-1, 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. 6 to 14 who have moved 'No Confidence Motion', would submit that the impugned order be set aside to secure compliance of above-stated rules 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 fairly, 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 hereinabove. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-