

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1757 of 2018**

Rajkumari Pal W/o Mahendra Pal, aged about 38 years, R/o Village Kunkuri, Police Stationj Batauli, Tahsil Batauli, District Surguja (C.G.)

---- **Petitioner**

Versus

1. Chief Executive Officer, Janpad Panchayat Batauli, District Surguja (C.G.)
2. Sub-Divisional Officer (Revenue), Sitapur, District Surguja (C.G.)

--- **Respondents**

For Petitioner	:	Mr. Manoj Paranjpe, Advocate.
For Respondents / State	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/07/18

1. Learned counsel for the petitioner would submit that No Confidence Motion was passed against the petitioner on 04.06.2016 without affording opportunity of hearing to him and the appeal preferred by him in opposition of the motion has been dismissed by the Commissioner, Surguja Division by order dated 24.04.2018 (Annexure – P/1) and the submissions made by the petitioner was not considered in accordance with law.
2. I have heard learned counsel for the petitioner.
3. The learned Commissioner, while hearing the dispute against passing of the No Confidence Motion has considered the matter in detail and clearly recorded the finding that the No Confidence Motion was passed strictly in accordance with law and dismissed the appeal.

4. This Court, in the case of **Smt. Ishwari Sahu v. State of Chhattisgarh and Others**¹, has stated in Para 15 as under :-

“15. Substantive provision enacted and contained in Section 21 of the Act of 1993 and Rules regulating the procedure for no confidence does not provide that ground to be incorporated while moving the no confidence motion, such a requirement of mentioning the grounds for no confidence motion is not required, as such it cannot be held that grounds are required to be stated as it is not prescribed either by Section 21 of the Act of 1993, which is a substantive provision for no confidence motion, nor the Rules provide so. In case of no confidence motion, what is more important is the will of majority of villagers / panchas, who have elected the Sarpanch of a Village and not the grounds on which he / she is sought to be removed from the office. In a democratic institution, will of the majority should be given due respect & weight and should prevail and not the form. Thus, considering the very basic principle of no confidence motion, the provisions in the form of notice of no confidence for giving reasons in notice should be considered directly and not mandatory, when the provisions of no confidence does not provide for giving such reasons. The non-compliance of it by not giving reasons for no confidence motion should not be considered fatal blow to such a motion; when the majority has lost confidence in the petitioner as the motion of no confidence has already been carried out by the requisite majority and it cannot be brushed aside only on technical ground like non-mentioning of ground in notice. The form of notice or such technicalities shall give way to will of requisite majority & the no confidence motion carried out by requisite majority should not be set aside till the mandatory provisions of Act or Rules are violated / not followed.”

1 2017(2) C.G.L.J.63

Following the principle of law laid down in the aforesaid case, I do not find any illegality in the finding recorded by the Commissioner, keeping in view that the No Confidence Motion was passed in majority.

5. As such, I do not find any merit in the writ petition. It deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge