

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1896 of 2018**

Ashok Jagane S/o Heera Ram Jagane, Aged About 54 Years R/o Ward No. 13, Koundkera, Tahsil Rajim, District : Gariyabandh, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Additional Commissioner, Raipur Division, Raipur Chhattisgarh.
3. Collector, Gariyaband, District Gariyaband Chhattisgarh.
4. Sub Divisional Officer, (Revenue) - Cum - Prescribed Authority (Panchayat), Gariyaband, District Gariyaband Chhattisgarh.
5. Tahsildar, Rajim, District Gariyaband Chhattisgarh.
6. Umesh Sahu, Presiding Officer, Tahsildar Rajim, District Gariyaband Chhattisgarh.
7. Tulas Ram S/o Of Bharat Sahu, R/o Panchas Of Village Panchayat Koundkera, Tahsil Rajim, District : Gariyabandh, Chhattisgarh
8. Narendra Chelak S/o Dhiraji Chelak, R/o Panchas Of Village Panchayat Koundkera, Tahsil Rajim, District : Gariyabandh, Chhattisgarh
9. Chetan Kurre S/o Thanu Ram Kurre, R/o Panchas Of Village Panchayat Koundkera, Tahsil Rajim, District Gariyaband Chhattisgarh.
10. Milau Ram S/o Preet Ram, R/o Panchas Of Village Panchayat Koundkera, Tahsil Rajim, District : Gariyabandh, Chhattisgarh
11. Karuna Sahu W/o Shankar Sahu, R/o Panchas Of Village Panchayat Koundkera, Tahsil Rajim, District Gariyaband Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. Raghvendra Pradhan, Advocate.
For Respondents : Mr. Anand Dadariya, Dy. G. A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/07/18

1. The petitioner was elected as Sarpanch of Gram Panchayat Koundkera, Tahsil Rajim and no confidence motion was moved against 17 Panchas out of 21 Panchas of the said Panchayat in accordance with the Rule 3(2) of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice- President Ke Virudh Avishwas Prastav) Niyam, 1994 (for brevity, 'Rules of 1994') and thereafter, the said no confidence motion was tabled for consideration and it was passed with majority against the petitioner. Against the passing of the said no confidence motion, the petitioner raised the dispute under Section 21(4) of the Panchayat Raj Adhiniyam, 1993. The Collector by passing a reasoned and speaking order on 24.08.2017 (Annexure – P/2) negated the disputes raised by the petitioner alleging non-compliance of the Rules of 1994 against which petitioner preferred revision under Section 91 of the Panchayat Raj Adhiniyam. The Commissioner also affirmed the order of Collector and held that no confidence motion was passed strictly in accordance with the Rules of 1994, feeling aggrieved against the order passed by the Commissioner, this writ petition has been preferred by the petitioner.

2. Mr. Raghvendra Pradhan, learned counsel appearing for the petitioner would vehemently submit that the Rules of 1994 particularly the Rule 3(2) was not complied with while passing no confidence motion and, therefore, the order passed by the two authorities including the motion of no confidence against him deserves to be quashed.

3. Learned State counsel would oppose the submissions made by learned counsel for the petitioner and would support the order impugned.

4. I have heard learned counsel for the parties and perused the impugned orders with utmost circumspection.

5. The two authorities, on examination, concurrently recorded a finding that the Rules of 1994 was duly complied with while considering the challenge to the no confidence motion so passed, by reasoned and speaking order. The said finding recorded by the two authorities are strictly in accordance with law. I do not find any perversity or illegality in the said finding as the Rules of 1994 have been complied with by the prescribed authority while entertaining the no confidence motion and even otherwise, no prejudice has been caused to the petitioner as held by full Bench of the M.P. High Court in the case of **Smt. Bhulin Dewangan v. State of M.P. and Others¹**.

6. In view of the above, I do not find any merit in the writ petition. Accordingly, it deserves to be and is hereby dismissed with no order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge

Priyanka

¹ 2001 (2) MPLJ 372