

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 563 of 2017**

- Basanti Bai Suryavanshi, W/o Kanhaiya, Aged About 37 Years, R/o Village Devri, Tahsil Baloda, District Janjgir Champa, Chhattisgarh

**---- Petitioner**

**Versus**

1. Resham Bai Binjhar Panch Ward No.01
2. Shakun Bai Panch Ward No.02
3. Pitambar Singh Panch Ward No.03
4. Hukum Panch Ward No.04
5. Kanti Bai Panch, Ward No.05
6. Firatram, Panch Ward No.06
7. Sirajabai, Panch Ward No.07
8. Bedram Binjhar, Panch Ward No.08
9. Basanti Bai Binjhar, Panch Ward No.09
10. Anand Bai Kumbhkar, Panch Ward No.10
11. Kartik Bai, Panch Ward No.11
12. Tirithram Kashyap, Panch Ward No.12
13. Budhwara Bai Satnami, Panch Ward No.13

No.1 to 13 all R/o Village Devri, Tahsil Baloda, District Janjgir Champa, Chhattisgarh

14. Presiding Officer, Tahsildar, Tahsil Baloda, District Janjgir Champa, Chhattisgarh
15. Collector, District Janjgir Champa, Chhattisgarh

**---- Respondents**

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| For Petitioner       | Shri Neeraj Pradhan, Advocate on behalf of Shri Sandeep Yadav, Advocate |
| For Respondent-State | Shri Alok Bakshi, Addl. AG                                              |

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**Hon'ble Justice Mr. Prashant Kumar Mishra**

**Order On Board**

**23/01/2019**

1. Petitioner has been ousted from the Office of Sarpanch of Gram Panchayat Devri after motion of no confidence was carried against her in the meeting of the Gram Panchayat convened for the said purpose on 05.08.2016.
2. The only ground challenged at the time of hearing is that the petitioner was not given 7 clear days notice before the consideration of the motion. According to the petitioner, notice of meeting was received by her on 30.07.2016 and the meeting took place on 05.08.2016, therefore, only 5 clear days notice was served on the petitioner.
3. In the impugned order itself, it is mentioned in para 3 thereof that the notice was issued on 27.07.2016 fixing the date of meeting of the Gram Panchayat on 05.08.2016. What is required under Rule 3 (3) of the Avishwas Prastav Rules, 1994 is issuance of notice giving 7 clear days before the date of meeting. The notice need not be served before 7 clear days. The notice issued on 27.07.2016 was thus issued 7 clear days prior to the date of meeting, therefore, the argument raised by learned counsel for the petitioner is factually not correct.
4. The writ petition is devoid of any substance. It is accordingly dismissed.
5. The interim order passed earlier shall stand vacated.

Sd/-

Prashant Kumar Mishra  
Judge