

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1595 of 2021

- Rajesh Kumar Pali S/o Kashiram Pali Aged About 29 Years Sarapanch , Gram Panchayat, Birgahni, Janpad Panchayat, Mungeli, Tahsil And District Mungeli Chhattisgarh
---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat Department , Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh
2. The Collector District Mungeli Chhattisgarh
3. The Sub Divisional Officer (Revenue) Mungeli, District Mungeli Chhattisgarh
4. The Tahsildar Gunderdehi, District Balod Chhattisgarh
5. The Chief Executive Officer Janpad Panchayat, Mungeli , District Mungeli Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shahid Ahmed Ansari, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.
For Intervener	:	Mr. Sunil Sahu, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.04.2021

1. Heard
2. Learned counsel for the petitioner submits that the notice of No Confidence Motion was issued to the petitioner by respondent No. 3 vide letter dated 26.02.2021 (Annexure P/1) despite the fact that the minimum number of the Panchas which are required to be available under the law were not present. It is submitted that therefore the notice of No Confidence Motion issued on 26.02.2021 is illegal.
3. Per contra, learned counsel for the intervener would submit that after the notice of No Confidence Motion was received, the petitioner moved an application by saying that he has filed a petition before the High Court and on that ground the case has been adjourned. The Motion of No Confidence was first adjourned and the SDO does not have the jurisdiction to stay the No Confidence Motion.
4. Perusal of the documents attached with this petition would show that nothing in record

has been placed to show that by how many Members the No Confidence Motion resolution was made, which is a matter of fact to be ascertained. It is obvious that if the required number of Members (Panchas) are not present in proceeding as per statute, the No Confidence Motion would itself fail. The petition is premature and therefore sans merit and is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Vishakha