

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1689 of 2021**

Santosh Kumar Kaiwart, S/o. Awadhram Kaiwart, Aged About 41 Years,
R/o. Village - Pali, Police Station - Takhatpur, Post Office - Pali, Tahsil -
Takhatpur, District - Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh.
2. Collector Bilaspur, District - Bilaspur Chhattisgarh.
3. Sub - Divisional Officer (Rev.) - Cum - Prescriber / Presiding Officer, Takhatpur, District - Bilaspur Chhattisgarh.
4. Gram Panchayat - Pali, Through - Its Secretary, Police Station - Takhatpur, Post Office - Pali, Tahsil - Takhatpur, District - Bilaspur Chhattisgarh.
5. Smt. Amrika Markan, Up - Sarpanch, Gram Panchayat Pali, R/o. Village – Pali.
6. Shekhar Porte, Panch, Gram Panchayat Pali.
7. Smt. Jalkuwar Khusro, Panch, Gram Panchayat Pali.
8. Smt. Sumrit Kaiwart, Panch, Gram Panchayat Pali.
9. Jitendra Porte, Panch, Gram Panchayat Pali.
10. Smt. Rasrup Maravi, Panch, Gram Panchayat Pali.
11. Smt. Rajni Bai, Panch, Gram Panchayat Pali.
12. Smt. Devjani Shrivastava, Panch, Gram Panchayat Pali.
13. Smt. Kumari Bai Dhruv, Panch, Gram Panchayat Pali.
14. Madhav Ram Sahu, Panch, Gram Panchayat Pali.
15. Maniram Dhruv, Panch, Gram Panchayat Pali.
16. Daulatram Sahu, Panch, Gram Panchayat Pali.
17. Smt. Rajkumari Dhruv, Panch, Gram Panchayat Pali.

Respondent Nos.5 to 17 all are R/o. Village - Pali, Post Office - Pali,
Police Station And Tahsil - Takhatpur, District - Bilaspur Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. Vaibhav A. Goverdhan, Advocate

For State/Respondents : Mr. Gagan Tiwari, Dy. Govt. Advocate
No. 1 to 3.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.03.2021

Heard

1. Learned counsel for the petitioner would submit that the petitioner was an elected Sarpanch of Village Pali. A notice dated 12.03.2021 (Annexure P-1) seeking No-confidence was issued, which was against the provisions of Rule 3 (3) of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha UP-Sarpanch, Janapad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994 (*for short "the Rules, 1994"*). He would submit that Rule 3 prescribes the specific seven days clear notice before the meeting is held is required to be given; whereas in the instant case, the notice is dated 12.03.2021. Therefore, that date is excluded and taking the date 13.03.2021, seven days would be up-till 19.03.2021 i.e. today and the meeting is going to be held today. Therefore, there is no seven days clear time gap has been given as required under sub-rule 3 of Rule 3 of the Rules, 1994. He placed his reliance in case of *Shrinarayan Laxman Prasad Tiwari & Ors. v. State of M.P. & Ors.* reported in 1998 (1) M.P.L.J.
2. The judgment decided by the Division Bench of the M.P. High Court for the No-Confidence Motion in case of *Shrinarayan Laxman Prasad Tiwari & Ors. v. State of M.P. & Ors.* reported in 1998 (1) M.P.L.J., para 6 & 7 reads as under :

"6. Rule 3(3) of the Rules, which is relevant for the purpose reads as follows:-

"(3) On receiving the notice under sub-rule (1) the prescribed authority shall satisfy himself about the admissibility of the notice with reference to sections 21(3), 28(3) and 35(3), as the case may be. On being thus satisfied, he shall fix the date, time and place for the meeting of the Gram Panchayat, Janpad Panchayat or Zila Panchayat, as the case may be,

which shall not be more than fifteen days from the date of receipt of the said notice. The notice of such meeting specifying the date, time and place thereof shall be caused to be despatched by him through the Secretary of the Gram Panchayat or Chief Executive Officer of the Janpad or Zila Panchayat, as the case may be, to every member of the Panchayat concerned seven days before the meeting.”

7. A plain reading of the aforesaid provision makes it clear that notice of the meeting to consider the no-confidence motion has to be despatched by the Prescribed Authority through the Secretary of the Gram Panchayat to every member of the Panchayat concerned 7 days before the meeting.”

3. Considering the ratio laid down and the time gap, it is observed that the No-Confidence pursuant to notice dated 12.03.2021 (Annexure P-1) shall not be carried out. Accordingly, the notice dated 12.03.2021 (Annexure P-1) is quashed. It is further made clear that this order will not come into way for further consideration of any No-Confidence Motion, which is done in accordance with the Rules, 1994.
4. In view of the above, the petition is allowed to the above extent.

Certified copy today.

Sd/-
(Goutam Bhaduri)
Judge

Aks