

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1826 of 2021**

- Smt. Sonmati Chouhan W/o Late Tikaram Chouhan, Aged About 55 Years R/o Village Salihaghat, Police Station Bhatgaon, Tahsil Bilaigarh, New Tahsil Bhatgaon, District Baloda Bazar Bhatapara (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, Mahanadi Bhawan, Atal Nagar, Mantralaya, Raipur, District Raipur Chhattisgarh
2. Collector, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh
3. Sub Divisional Officer (Revenue)/ Returning Officer, Bilaigarh, District Baloda Bazar Bhatapara (Chhattisgarh)
4. Additional Tahsildar/ Competent Authority, Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh

---- Respondents

For Petitioner : Shri B.L. Sahu, Advocate

For Respondents/State : Shri Aditya Tiwari, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****25/03/2021**

1. Heard.
2. Instant petition is against the no confidence motion which was passed on 15.03.2021 against the petitioner who is a Sarpanch.
3. Learned counsel for the petitioner would submit that on the vague allegations of financial irregularities that the meetings were not called on time and the petitioner used to work at his own discretion, the no confidence motion was moved. He would further submit that the financial irregularities cannot be attributed to the petitioner as all the payments are made on line. He would

further submit that because of the COVID-19 pandemic the meeting of the Panchayat could not be called and under these erroneous grounds the no confidence motion was moved which was eventually passed on 15.03.2021, therefore, the same may be stayed.

4. Section 21 (4) of the C.G. Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam, 1993') reads as under:-

“21. No-confidence motion against Sarpanch and Up-Sarpanch.- (4) If the Sarpanch or the Upsarpanch, as the case may be, desires to challenge the validity of the motion carried out under sub-section (1), he shall, within seven days from the date on which such motion was carried, refer the dispute to the Collector who shall decide it, as far as possible, within thirty days from the date on which it was received by him, and his decision shall be final.”

5. Since the alternative remedy of reference is available to the petitioner, the petitioner instead of availing the same has filed this petition before this Court. Accordingly, in view of the availability of the alternative remedy, it is observed that the petitioner may refer the dispute to the Collector as per Section 21 (4) of the Adhiniyam, 1993 within a period of seven days from today and if such reference is made, the Collector in turn shall decide the same as far as possible within a period of thirty days from the date of filing of the reference as required under sub-section (4) of Section 21 of the Adhiniyam, 1993.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu