

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2550 of 2021

Malik Ram Banjara, S/o. Shri Indal Singh Banjara, Aged About 40 Years,
Sarpanch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona,
Tehsil Pithora, District Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Panchayat And Rural Administrative Department, Mahanadi Bhawan, Naya Raipur, Revenue And Civil District Raipur, Chhattisgarh
2. Collector Mahasamund, Revenue And Civil District Mahasamund, Chhattisgarh
3. Sub Divisional Officer (Revenue)/Prescribed Authority Pithora, Revenue And Civil District Mahasamund, Chhattisgarh
4. Tehsildar Pithora, Revenue And Civil District Mahasamund, Chhattisgarh
5. Zila Panchayat Mahasamund, Through Chief Executive Officer, Revenue And Civil District Mahasamund, Chhattisgarh
6. Janpad Panchayat Pithora, Through Chief Executive Officer, Revenue And Civil District Mahasamund, Chhattisgarh
7. Gram Panchayat Lilesar, Through Secretary, Tehsil Pithora, P. S. Tendukona, Revenue And Civil District Mahasamund, Chhattisgarh
8. Munudau Khadiya, S/o. Shri Sundarsai, Aged About 55 Years, Up-Sarpanch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
9. Dukhmotin Nishad, W/o. Shri Bhuvneshwar Nishad, Aged About 50 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
10. Devlal Banjara, S/o. Shri Mohit Ram Banjara, Aged About 36 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
11. Devlal Bariha, S/o. Shri Jehru Bariha, Aged About 35 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
12. Kamleshwari Soni, W/o. Shri Jagannath Soni, Aged About 46 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
13. Amrika Banjara, W/o. Shri Gauram Banjara, Aged About 44 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
14. Bhuvan Lal Banjara, S/o. Shri Timaram Banjara, Aged About 42 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
15. Jhangli Bai Bariha, W/o. Shri Rajaram Bariha, Aged About 62 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
16. Ramkumari Khadiya, W/o. Shri Ramadhar Mirdha, Aged About 46 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Lilesar, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh
17. Kormo Bariha, S/o. Shri Bodhram Bariha, Aged About 48 Years, Panch Of Gram Panchayat Lilesar, R/o. Village Udarlami, P. S. Tendukona, Tehsil Pithora, District Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

ORDER

25.06.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner has been served with a notice for No-Confidence Motion to be held on 28.06.2021. He would submit that the resolution was passed by few of the Panchas would show that the Clerk of authority has issued the proceeding, which would be evident from Annexure P-1. Therefore, the very beginning of the order by Clerk of Court is bad in law. It is contended this will not satisfy Rule 3(1) of the *Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Viruddh Avishwas Prastav) Niyam, 1994* (for short the Niyam, 1994) wherein satisfaction of authority is prescribed. He would further submit that after the notice which is served, on 28.06.2021 the date is fixed and at that time since Section 144 is in operation in the area according to the order of the Collector, therefore, the petitioner would not be entitled to approach to any of the Panchas to convince them.
2. Perusal of Annexure P-1 would show though the typographical part has been made by Clerk but the decision to commence the No-Confidence Motion is counter-signed by the Prescribed Authority. Therefore, the submission of the petitioner that it was initiated by the Clerk of the Court prima facie appears to be wrong. Furthermore, the submission of the petitioner that since Section 144 would be prevailing as such he will not be able to approach to the Panchas before 28.06.2021, when the date of No-Confidence Motion is fixed, is also completely misconceived as the law do not give such space of consideration for like nature of the demand. According to the Chhattisgarh Panchayat Raj Adhiniyam, 1993 the petitioner if desire to challenge the validity of the No-Confidence Motion carried out under sub-section 1, he may refer the dispute to the Collector. Therefore, I am not inclined to issue a writ in favour of the petitioner. The petition is devoid of merit, therefore, it is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE