

NAFRHIGH COURT OF CHHATTISGARH, BILASPURWPC No. 2641 of 2021

Ramsharan Khandekar, S/o Vishnu Das Khandekar, Aged About 53 Years Presently An Elected Sarpanch of Gram Panchayat Khairwar (Khurd), Block - Lormi, District - Mungeli Chhattisgarh.
--- Petitioner

Versus

1. State of Chhattisgarh through its Secretary, Panchayat & Rural Department, Mahanadi Bhavan, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh.
2. Collector Collector Office of District Mungeli, Mungeli District : Mungeli, Chhattisgarh
3. Sub - Divisional Officer (R), Lormi District - Mungeli District : Mungeli, Chhattisgarh
--- Respondents

For the Petitioner	: Mr. Pallav Mishra, Advocate
For the State	: Mr. Gagan Tiwari, Deputy Govt. Advocate

Hon'ble Shri Justice Goutam BhaduriOrder on Board**30.06.2021**

1. Learned counsel for the petitioner submits that the petitioner is an elected Sarpanch and notice of no-confidence motion was moved on 17.06.2021 vide Annexure P-2 and according to sub-rule (3) of Rule 3 of *The Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice President Ke Virudh Avishwas Prastav) Rules 1994*, after receipt of the notice, it has to be concluded within 15 days which expires on 02.07.2021. He further submits that sub-rule(3) of Rule 3 contemplates that the dispatch of notice should be prior to 7 days of the meeting meaning thereby prior to 02.07.2021, the notice should have been dispatched,

which has not been done here.

2. There is nothing on record before this Court to draw a presumption that the notices have not been dispatched. It is all apprehension of the petitioner and no writ can be issued only on mere apprehension. It is expected that the respondent-authorities shall abide by Rule 3(3) of The Rules, 1994 before such no confidence motion is carried out.
3. With the above observation, this writ petition stands finally disposed off.

**Sd/-
GOUTAM BHADURI
JUDGE**