

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3781 of 2021**

Smt Ramla Bai Dhruw, W/o. Karan Singh Dhruw, aged about 27 years, R/o. Gram Panchayat Turma, Block Baloda Bazar, Tahsil Lawan, District Baloda Bazar Bhatapara Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh, Through : The Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
2. The Collector Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.
3. Sub Divisional Officer (Revenue) Cum Prescribed Authority Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh.
5. Smt. Fuleshwari Banjare, W/o. Dhannu Banjare Aged About 30 Years
6. Smt. Treveni Bai W/o Guman Sahu Aged About 32 Years
7. Tikamchand Tandon S/o Nihal Chand Tandon Aged About 28 Years
8. Smt. Roopa Paikra W/o Raju Paikra Aged About 32 Years
9. Smt. Rukhmani Sahu W/o Rati Ram Sahu Aged About 56 Years
10. Smt. Deepak Bai Tandon W/o Bhupendra Tandon Aged About 37 Years
11. Babu Ram Sahu S/o Ghasiram Sahu Aged About 52 Years
12. Smt. Mamta Sahu W/o Gyan Prasad Sahu Aged About 30 Years
13. Nand Ram Dewangan S/o Hemsai Dewangan Aged About 55 Years
14. Smt. Parmila Prajapati W/o Jageshwar Prajapati Aged About 30 Years
15. Kholbahra Patel S/o Samaru Patel Aged About 56 Years

No. 5 to 15 all are R/o Gram Panchayat Turma, Block Baloda Bazar Tahsil Lawan, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

16. Shri Balram Tamboli Presiding Officer, Tahsildar, Lawan, Tahsil Lawan, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondents

For Petitioner : Mr. Pushpendra Kumar Patel, Advocate

For Respondents/ State : Mr. Ravi Bhagat, Govt. Advocate

Hon'ble Shri Rajendra Chandra Singh Samant

Order on Board

01.12.2021

Heard

1. It is submitted by the learned counsel for the petitioner that the petitioner was elected as Sarpanch of Gram Panchayat Turma, District Baloda Bazar, Bhatapara. A no confidence motion was initiated against the petitioner, which was carried on 23.03.2021 on the basis of which, the petitioner was removed from the post of Sarpanch.
2. It is submitted that on receipt of complaint of the Panchas vide Annexure P-4 dated 10.03.2021, the S.D.O.(Revenue), respondent No.3 by memo dated 15.03.2021 directed the Chief Executive Officer, respondent No.4 to serve the notice to the concerned. The petitioner received notice on 18.03.2021 and the date for no confidence motion was scheduled on 23.03.2021. It is submitted that the petitioner and the Panchas were not served with notice of no confidence motion of 7 clear days prior to the date of meeting for no confidence motion i.e. non-compliance of the Rule 3 (3) of the Chhattisgarh Panchayat (Gram Panchayaat Ke Sarpanch Tatha Upsarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice President

Ke Virudh Avishwas Prastav) Niyam, 1994 (In short 'the Rule, 1994'), therefore, no confidence motion against the petitioner is illegal. The petitioner preferred an appeal, before the Collector, which has been dismissed by the impugned order dated 26.08.2021. It is submitted that the impugned order is totally erroneous, illegal and arbitrary, which is liable to be dismissed. Hence, the petitioner be granted relief.

3. Learned State counsel representing for the respondents authorities submits that Rule 3 (3) of the Rules, 1994 has been specifically complied. The notice were issued to the petitioner and all the Panchas before 7 clear days of the meeting scheduled for no confidence motion. Hence, petitioner is not entitled for grant of any relief.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The notice given by the members of the Gram Panchayat is dated 15.03.2021. The respondent No.3 has given acknowledgment receipt of the notice and after recording satisfaction by order dated 15.03.2021 (Annexure P-5) directed the respondent No.4 to serve the notices on the petitioner and the other members of the Panchayat concerned. The petitioner has stated in the petition that she received the notice on 18.03.2021.
6. The ground raised by the petitioner that the service of notice has not been made before 7 clear days prior to the date of meeting for no confidence motion is misconceived. The Rule 3 (3) of the Rules, 1994 mentions that after recording satisfaction, the S.D.O.(Revenue) shall fixed a date of meeting and place of meeting, which shall not be more than 15 days from the date of the receipt of the notice of no confidence motion. The date fixed was 23.03.2021, which was within

15 days from the receipt of notice for no confidence motion from the persons concerned. As per the Rule 3 (3) of the Rules, 1994, the S.D.O. has authority to direct the C.E.O. for services of notice upon the persons concerned and this provisions mentions that the notices shall be issued, before 7 clear days from the date of meeting of no confidence motion. In this case, the notice was issued on 15.03.2021 according to which there was clearly 7 days in between 15.03.2021 to 23.03.2021. The provisions of Rule 3 (3) of the Rules, 1994 does not speak that services of notice should be made before 7 clear days from the date of meeting.

7. In view of the forgoing discussions made here-inabove, I do not find any error in the impugned order and the proceeding drawn against the petitioner. Hence, this petition is without any substance, which is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram