

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 3615 of 2021

Smt. Dineshwari Sahu, W/o. Shri Dinesh Sahu, Aged About 36 Years, Sarpanch, Gram Panchayat Mandlor, Janpad Panchayat Abhanpur, R/o. Village Mandlor, Post Pond, Police Station Gobra Nawapara, Tehsil Nawapara, Civil And Revenue District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Collector, Raipur, Civil And Revenue District Raipur Chhattisgarh.
2. Sub Divisional Officer (Revenue) Abhanpur / Competent Authority, Civil And Revenue District Raipur Chhattisgarh.
3. Tehsildar (Presiding Officer) Tehsil Nawapara, Civil And Revenue District Raipur Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Abhanpur, Civil And Revenue District Raipur Chhattisgarh.
5. Smt. Bharti Dewangan, W/o. Shri Punaram Dewangan, Panch Ward No. 1, Gram Panchayat Mandlor
6. Shyamcharan Dewangan, S/o. Shri Sitaram Dewangan, Panch Ward No. 2, Gram Panchayat Mandlor
7. Smt. Hiroundi Yadav, W/o. Shri Bodhram Yadav, Panch Ward No. 3, Gram Panchayat Mandlor
8. Smt. Bhuneshwari Sahu, W/o. Shri Tameshwar Sahu, Panch Ward No. 4, Up Sarpanch Gram Panchayat Mandlor
9. Smt. Tejeshwari Bai Sahu, W/o. Shri Duleshwar Kumar Sahu, Panch Ward No. 5, Gram Panchayat Mandlor
10. Chandrahas Sahu, S/o. Shri Ganeshram Sahu, Panch Ward No. 6, Gram Panchayat Mandlor
11. Smt. Sunita Verma, W/o. Shri Tukaram Verma, Panch Ward No. 7, Gram Panchayat Mandlor
12. Shri Babulal Yadav, S/o. Shri Punnulal Yadav, Panch Ward No. 8, Gram Panchayat Mandlor
13. Smt. Chameli Bai Dewangan, W/o. Shri Chandrika Dewangan, Panch Ward No. 9, Gram Panchayat Mandlor
14. Smt. Rukhmani Dhruv, W/o. Shri Tejram Dhruw, Panch Ward No. 10, Gram Panchayat Mandlor
15. Ramcharan Sahu, S/o. Shri Beniram Sahu, Panch Ward No. 11, Gram Panchayat Mandlor
16. Smt. Gayatri Yadav, W/o. Shri Satruhan Yadav, Panch Ward No. 12, Gram Panchayat Mandlor
17. Motiram Sahu, S/o. Shri Thanwar Sahu, Panch Ward No. 13, Gram Panchayat Mandlor

Respondents No.5 to 17 all are R/o. Village Mandlor, Post Pond, Police Station Gobra Nawapara, Tehsil Nawapara, Civil & Revenue District Raipur Chhattisgarh.

---- Respondents

For Petitioner : Mr. Ramesh Kumar Nayak, Advocate

For State : Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.09.2021

Heard

1. Learned counsel for the petitioner would submit that the petitioner who is Sarpanch against her a no confidence motion was moved on 19.08.2021, which was not in format and without following the due procedure on 23.08.2021 the date has been fixed on 06.09.2021, therefore, the entire proceeding is being bad in law liable to be quashed.
2. After perusal of the record, the main grievance of the petitioner is that the notice Annexure P-1 is not in format as per 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.
3. Perusal of the rule do not prescribed any special format except simple one and after comparing with the format, I do not find any abnormality in the notice Annexure P-1. The order sheet Annexure P-2 which was opened on 23.08.2021 would record all the signatures and after verification of facts it was found proper, thereafter, the notices have been issued for convening no confidence motion on 06.09.2021. On the outset, therefore, nothing is on record to hold that the proceedings are illegal, as it records the fact that there has been a competent authority has satisfied

himself before issuing the notice. Apart from that, the order sheet also prima facie reflects all the signatures of the respective Panchas. In view of this, at this stage, since the date is already fixed on 06.09.2021 i.e. today, I am not inclined to interfere with the proceeding. However, the petitioner shall be at liberty to challenge the outcome, if she is aggrieved by the order of no confidence motion, under Section 21(4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 within a stipulated time. Accordingly, the petition stands disposed off.

Aks

Sd/-
(Goutam Bhaduri)
Judge