

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 3664 of 2021

Kumar Prasad Sahu S/o Shri Bahal Sahu Aged About 41 Years
 Occupation Elected Sarpanch , Gram Panchayat Khokhri,
 Janpad Panchayat Pamgarh, District Janjgir Champa District :
 Janjgir-Champa, Chhattisgarh --- **Petitioner**

Versus

1. The State of Chhattisgarh through The Secretary,
 Department of Panchayat and Rural Development , Indravati
 Bhawan, Atal Nagar, New Raipur District : Raipur,
 Chhattisgarh
2. The Collector District Janjgir Champa Chhattisgarh.
3. The Sub Divisional Officer (Revenue) Cum Authorized Officer
 Sub Division Pamgarh, District Janjgir Champa Chhattisgarh.
4. The Tahsildar Tahsil Pamgarh, District Janjgir Champa
 Chhattisgarh.
5. The Chief Executive Officer Janpad Panchayat Pamgarh,
 District Janjgir Champa Chhattisgarh.
6. The Secretary Gram Panchayat Khokhri Janpad Panchayat
 Pamgarh, District Janjgir Champa Chhattisgarh.
7. Chandra Sahu S/o Shri Ramdhin Sahu Occupation Panch ,
 Ward No. 1, Gram Panchayat Khokhri, Janpad Panchayat
 Pamgarh, District Janjgir Champa Chhattisgarh.
8. Firat Ram Sahu S/o Shri Lachhiram Sahu Occupation Panch ,
 Ward No. 2, Gram Panchayat Khokhri, Janpad Panchayat
 Pamgarh, District Janjgir Champa Chhattisgarh.
9. Smt. Laxmin Bai Sahu W/o Shri Laxman Sahu Occupation
 Panch , Ward No. 3, Gram Panchayat Khokhri, Janpad
 Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
10. Bharat Lal Sahu S/o Shri Kholbahra Sahu Occupation Panch ,
 Ward No. 4, Gram Panchayat Khokhri, Janpad Panchayat
 Pamgarh, District Janjgir Champa Chhattisgarh.
11. Krishna Kumar Sahu S/o Shri Baliram Sahu Occupation Up
 Sarpanch Who Was Elected Among Panch , Ward No. 5, Gram
 Panchayat Khokhri, Janpad Panchayat Pamgarh, District
 Janjgir Champa Chhattisgarh.
12. Smt. Manki Bai Sahu W/o Shri Ramkumar Sahu Occupation
 Panch , Ward No. 6, Gram Panchayat Khokhri, Janpad
 Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
13. Jivrakhan Lal Sahu S/o Shri Kachhiram Sahu Occupation

Panch, Ward No. 07, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.

14. Smt. Firtin Bai Chauhan W/o Shri Botlal Chauhan Occupation Panch , Ward No. 08, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
15. Smt. Santoshi Sahu W/o Shri Vinod Sahu Occupation Panch , Ward No. 09, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
16. Smt. Jageshwari Sahu W/o Shri Rajesh Kumar Sahu Occupation Panch , Ward No. 10, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
17. Smt. Shitla Bai Sahu W/o Shri Ashwani Sahu Occupation Panch , Ward No. 11, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
18. Khileshwar Prasad S/o Shri Dataram Occupation Panch , Ward No. 12, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
19. Udesb Kumar S/o Shri Hemant Kumar Occupation Panch , Ward No. 13, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
20. Smt. Beerkunwar Jaltare W/o Shri Amrit Lal Occupation Panch , Ward No. 14, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
21. Smt. Sulekha Kewat W/o Shri Lakhan Lal Kewat Occupation Panch , Ward No. 15, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
22. Smt. Bharti Devi Vishwakarma W/o Shri Narendra Kumar Vishwakarma Occupation Panch , Ward No. 16, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
23. Smt. Ganga Burman W/o Shri Sanjay Burman Occupation Panch , Ward No. 17, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
24. Kamlesh Singh S/o Shri Bharat Singh Occupation Panch , Ward No. 18, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
25. Smt. Satya Singh W/o Shri Jagdish Singh Occupation Panch , Ward No. 19, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.
26. Sanjay Patle S/o Shri Balram Patle Occupation Panch , Ward No. 20, Gram Panchayat Khokhri, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh.

--- Respondents

For the Petitioner	:	Mr. A. N. Bhakta Advocate.
For the State/R-1 to R-4:		Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.09.2021

1. It is submitted that the petitioner is a Sarpanch of Gram Panchayat Khokhri against him the proceedings of no confidence motion is scheduled to be held on 13.09.2021. Learned counsel for the petitioner submits that the notice of no-confidence motion was not served to the petitioner and the service was effected on the minor son of petitioner which in law cannot be held a valid service, therefore, the no confidence motion which is scheduled on 13.09.2021 be stayed.
2. Learned State Counsel submits that the petitioner may appear and participate in the proceedings on 13.09.2021 and thereafter the proceedings may be postponed for 7 days so that the petitioner gets ample opportunity as he has already come to know of the fact of no confidence motion and if the proceedings are stayed, then it would be an illegality.
3. Having heard counsel for the parties, it appears that the issue raised in this writ petition is about the service of notice of confidence motion on the ground that the said notice was served to the minor son of the petitioner. The no-confidence motion is scheduled for 13.09.2021.
4. Considering the fact that the petitioner has already come to know the fact that the no confidence motion is tabled and taking into the background that the service of notice was

made to the minor son of the petitioner, it is directed that the proposed no confidence motion shall not be carried out on 13.09.2021. However, the petitioner is directed to appear and participate in the proceedings of the SDO on 13.09.2021 and on that date, 7 days' adjournment should be given. Thereafter the proceeding of no confidence as has been sought for may be carried out in accordance with law.

5. With such observations, this writ petition stands disposed of.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**