

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3981 of 2021

- Smt. Ghirani Paikra W/o Kapildev Paikra Aged About 33 Years Sarpanch Of Village - Panchayat - Nawadihkala Janpad Panchayat - Kushami, Tahsil - Samari - Chando District - Balrampur - Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan New Raipur District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Collector Balrampur District - Balrampur - Ramanujganj Chhattisgarh.
3. The, Sub - Divisional Officer (Revenue) / Prescribed Authorities - Kushami District - Balrampur - Ramanujganj Chhattisgarh
4. Nayab Tahsildar - Samari (Chando) / Presiding Officer - Village - Panchayat - Nawadihkala Tahsil - Samari - Chando District - Balrampur - Ramanujganj Chhattisgarh
5. Dewaki Lakra W/o Saroj Lakra Panch Of Village - Panchayat - Nawadihkala
6. Dilip Toppo S/o Navesh Toppo Panch Of Village - Panchayat - Nawadihkala
7. Saraswati Paikra W/o Guddu Paikra Panch Of Village - Panchayat - Nawadihkala
8. Bindal Kerketta S/o Sidhan Kerketta, Panch Of Village - Panchayat - Nawadihkala
9. Milina Kerketta W/o Chandradeep Kerketta, Panch Of Village - Panchayat - Nawadihkala
10. Savita Khalkho W/o Tuneswar Khalkho, Panch Of Village - Panchayat - Nawadihkala
11. Munetar S/o Prasad Khalkho Panch Of Village - Panchayat - Nawadihkala
12. Santoshi Paikra W/o Gaya Ram Panch Of Village - Panchayat - Nawadihkala
13. Devanti Kashi W/o Deepchand Kashi Panch Of Village - Panchayat - Nawadihkala
14. Kanti Jaiswal W/o Kouleshwar Jaiswal Panch Of Village - Panchayat - Nawadihkala
15. Hilan Xess S/o Dukhan Xess Panch Of Village - Panchayat - Nawadihkala
16. Sildev Lakra S/o Ramlagan Panch Of Village - Panchayat - Nawadihkala
17. Milan Gupta S/o Krishna Gupta Panch Of Village - Panchayat - Nawadihkala
18. Nurseda Mansuri W/o Munir Mansuri Panch Of Village - Panchayat - Nawadihkala
19. Smt. Sobhani Paikra W/o Manu Paikra, Panch Of Village - Panchayat - Nawadihkala
20. Rehana W/o Inus Mansuri Panch Of Village - Panchayat - Nawadihkala R/o Village - Panchayat - Nawadihkala,

Respondent No. 5 to 20 are R/o of Village Panchayat - Nawadihkala Janpad Panchayat Kushami Tahsil - Samari (Chando) District - Balrampur - Ramanugnaj Chhattisgarh.

---- Respondents

For Petitioner : Shri A.N. Pandey, Advocate

For Respondent/ State : Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.09.2021

Heard

1. The instant petition is filed against the proposed no confidence motion which is scheduled to be held on 29.09.2021 against the petitioner.
2. Learned counsel for the petitioner would submit that in the initial filing of the no confidence motion, verification of the *Panchas* whether they hold the position of *Panch* or not has not been done. He submits that one Silder Lakra has signed the no confidence motion but the actual name is Dildev Lakra. It is further submitted that the notices are not served to the *Panchas* by the Secretary but instead it has been served by the peon and further the service of notice has been done to the family members of the *Panchas* and no personal service was done. He further submits that the notices were issued to 22 members whereas there are only 21 members in the Panchayat, therefore no confidence motion itself is bad in law.
3. Perused the documents.
4. Perusal of the documents would show that the list of *Panchas* name at Annexure P-5 at Serial No. 14 is shown as Dildev Lakra and in the no confidence motion application one signature is of Sildev Lakra. Simply

because of the fact signature depicts as Sildev Lakhra, it cannot be said the signature is not of Dildev Lakra, it is a factual aspect. Furthermore, the notice of no confidence motion has been served by the peon, it cannot be interpreted as contended in a way that Secretary himself has to actually serve the notice. Ultimately, service of notice is a ministerial act, therefore it is not expected that the Secretary himself would go and serve the notice. With respect to the issuance of notice to 22 members instead of 21 members, this is a factual aspect and if the actual *panchas* are not being noticed or wrong persons have been inadvertently noticed who is not a *panch*, then certainly he would not participate in the no confidence motion and it would not cause any prejudice to the petitioner. In view of the disputed factual aspects of this case, I do not find any reason to interfere in the ensuing no confidence motion scheduled on 29.09.2021.

5. In view of this, the petition sans merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti