

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5005 of 2021**

Santoshi Bai Sahu W/o Shri Lekhram Sahu Aged About 28 Years
Sarpanch Of Gram Panchayat Pirda, R/o Village Pirda, Post-Korasi, P.S.
Kharora, District Raipur Chhattisgarh. 493225

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. The Collector Raipur District Raipur Chhattisgarh.
3. Sub-Divisional Officer (Revenue) Aarang, District Raipur Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Aarang, District Raipur Chhattisgarh.
5. Shri Pramod Patel Addl. Tehsildar, Aarang, District Raipur Chhattisgarh.
6. Kheman Sahu Panch, Ward No. 1, Gram Panchayat Pirda, Janpad Panchayat Aarang, District Raipur Chhattisgarh.
7. Jyoti Sahu Panch, Ward No. 2, Gram Panchayat Pirda, Janpad Panchayat Aarang, District Raipur Chhattisgarh.
8. Jaishree Verma Panch, Ward No. 3, Gram Panchayat Pirda, Janpad Panchayat Aarang, District Raipur Chhattisgarh.
9. Shivkumari Dheever, Panch, Ward No. 4, Gram Panchayat Pirda, Janpad Panchayat Aarang, District Raipur Chhattisgarh.
10. Bala Ram Verma Panch, Ward No. 5, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
11. Romin Dhevar, Panch, Ward No. 6, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
12. Kamal Narayan Dheever, Panch, Ward No. 7, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
13. Tikeshwari Sahu Panch, Ward No. 8, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
14. Dhani Ram Sahu Panch, Ward No. 9, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
15. Santosh Kumar Sahu Panch, Ward No. 10, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
16. Tulsi Ram Sahu Panch, Ward No. 11, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
17. Dukalheen Gayakwad, Panch, Ward No. 12, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
18. Savita Ghrtilhare Panch, Ward No. 13, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.
19. Shyam Sundar Brahme Panch, Ward No. 14, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.

20. The Secretary, Gram Panchayat Pirda, Janpad Panchayat Anrang, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anchal Matre, Advocate
For State	:	Mr. Ravi Bhagat, Dy. GA with Ms. Shriya Mishra, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2021

1. Aggrieved by the impugned order dated 26.12.2021, the present writ petition has been filed.
2. Vide the said impugned order respondent no.3 is said to have put the petitioner post of Sarpanch no confidence motion to be held on 06.12.2021 (1 PM) i.e. today.
3. The primary ground of challenge is that the order does not seem to be proper as the date of the order is reflected to be 26.12.2021 i.e. the date yet to come and for which reason the impugned order is bad. The other ground is that the respondent authorities have not fulfilled the mandatory requirement as is otherwise required under Section 21 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. Further ground of challenge is that the respondent authorities have not provided minimum seven days notice period for calling no confidence motion.
4. State counsel appearing for respondent no.1 to 3 on instructions have produced certain documents which is in respect of proceedings of the Panchayat leading to the issuance of the impugned order Annexure P-5. State counsel submits that the date reflected in the impugned order has arisen because of the clerical error where the office have inadvertently mentioned 26.12.2021 instead of 26.11.2021 which is the actual date on

which the order was issued and date for no confidence motion has been fixed on 06.12.2021 which shows that there is almost 10 days gap in between from the date of order to on which the no confidence motion was ordered to be held. State counsel further drew the attention of this Court to the documents which he has obtained on instructions to show that the notice in this regard was duly served upon the petitioner as would be evident from the notice which was issued in this regard on 26.11.2021 where again the notice date is reflected inadvertently as 26.12.2021.

5. Perusal of the documents produced by the State counsel and on perusal of the entire records, this Court is of the opinion that no strong case for interfering with the impugned order and no confidence motion which has been initiated against the petitioner is made out as of now. The petitioner meanwhile, would be at liberty to challenge the subsequent development and action on the part of the respondents by way of an appeal which is otherwise provided under the Sub Section 2 of the Section 21. In addition the petitioner would also be at liberty and entitled to raise a dispute in respect of alleged forged signature that is said to have been put on notice dated 26.11.2021 challenging the no confidence motion on its merits.
6. For all the aforesaid reasons the writ petition fails and is accordingly dismissed with the aforesaid liberty to the petitioner.

Sd/-
(P. Sam Koshy)
Judge

Rohit