

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 5098 of 2021

1. Vinay Kumar Paikra S/o Keshwar Prasad Paikra Aged About 43 Years President Janpad Panchayat Balrampur, Janpad Panchayat Balrampur, District Balrampur Ramanujganj Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh, Through - Secretary, Panchayat And Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar Naya Raipur, District Raipur Chhattisgarh
2. Director Panchayat And Gramin Vikas Vibhag, Indrawati Bhawan, Mantralaya, Capital Complex, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
3. The Collector (Prescribed Authority) Balrampur District - Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
4. The Sub Divisional Officer (R) Balrampur, District - Balrampur - Ramanujganj Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat, Balrampur District - Balrampur - Ramanujganj Chhattisgarh
6. Sanjay Gond S/o Late Basant Singh Aged About 37 Years Janpat Member Area No.02 Balrampur, Janpad Panchayat - Balrampur, Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh
7. Jaymangal Bhuehar S/o Salman Bhuehar Aged About 36 Years Janpat Member Area No.18 Balrampur, Janpad Panchayat - Balrampur, Police Station - Balrampur, District - Balrampur - Ramanujganj Chhattisgarh
8. Antonish Kindo S/o Amarsay Aged About 33 Years Janpat Member Area No.08 Balrampur, Janpad Panchayat - Balrampur, Police Station - Pasta, District - Balrampur - Ramanujganj Chhattisgarh
9. Nityama Singh S/o Vipin Singh Aged About 44 Years Janpat Member Area No.14 Balrampur, Janpad Panchayat - Balrampur, Police Station - Balrampur, District - Balrampur - Ramanujganj Chhattisgarh
10. Jayanti Singh S/o Umesh Singh Aged About 37 Years Janpat Member Area No.10 Balrampur, Janpad Panchayat - Balrampur, Police Station - Balrampur, District - Balrampur - Ramanujganj Chhattisgarh
11. Aalo Day S/o Ratan Day Aged About 31 Years Janpat Member Area No.17 Balrampur, Janpad Panchayat - Balrampur, Police Station - Balrampur , District - Balrampur - Ramanujganj Chhattisgarh
12. Lila Pal S/o Bharat Pal Aged About 40 Years Janpat Member Area No.15 Balrampur, Janpad Panchayat - Balrampur, Police Station - Balrampur , District - Balrampur - Ramanujganj Chhattisgarh
13. Ravin Mandal S/o Late Padam Mandal Aged About 49 Years Janpat Member Area No.12 Balrampur, Janpad Panchayat - Balrampur, Police Station - Balrampur , District - Balrampur - Ramanujganj Chhattisgarh
14. Phoolsay Chargat S/o Late Bandhan Aged About 52 Years Janpat Member Area No.01 Balrampur, Janpad Panchayat - Balrampur, Police Station - Chalgali , District - Balrampur - Ramanujganj Chhattisgarh
15. Bimli Singh S/o Karamchand Singh Aged About 42 Years Janpat Member Area No.09 Balrampur, Janpad Panchayat - Balrampur, Police Station - Ramanijganj , District - Balrampur - Ramanujganj Chhattisgarh

16. Sunita Sonwani S/o Ramlal Sonwani Aged About 35 Years Janpat Member Area No.16 Balrampur, Janpad Panchayat - Balrampur, Police Station - Balrampur, District - Balrampur - Ramanujganj Chhattisgarh
17. Aitbaro Aayam S/o Birbal Aged About 44 Years Janpat Member Area No.04 Balrampur, Janpad Panchayat - Balrampur, Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh
18. Subaso Kanshi S/o Ramkumar Aged About 34 Years Janpat Member Area No.05 Balrampur, Janpad Panchayat - Balrampur, Police Station - Pasta , District - Balrampur - Ramanujganj Chhattisgarh
19. Urmila Ram S/o Ramchandra Aged About 30 Years Janpat Member Area No.07 Balrampur, Janpad Panchayat - Balrampur, Police Station - Balrampur , District - Balrampur - Ramanujganj Chhattisgarh
20. Phoolbanso Kanshi S/o Narad Aged About 50 Years Janpat Member Area No.03 Balrampur, Janpad Panchayat - Balrampur, Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh.

---Respondents

For Petitioner	:	Shri AK Yadav, Advocate.
For State	:	Shri Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.12.2021

1. The present writ petition has been filed assailing the order dated 30.11.2021 whereby No Confidence Motion has been initiated against the petitioner.
2. The No Confidence Motion is said to be fixed for today i.e. 09.12.2021. The proceedings under the No Confidence Motion is one which is decided under Section 28 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (in short, the Act, 1993).
3. Given the fact that there is an alternative statutory remedy available to the petitioner for assailing the subsequent development that transpires on the merits even on the ground of the same being contrary to the statutory provision, the writ petition therefore would not be maintainable.
4. Given the fact that there is a statutory alternative remedy available to the petitioner under Section 28(4) of the Act, 1993, the writ petition at this juncture stands disposed of with liberty to the petitioner to avail the appropriate remedy before the concerned authorities. If the petitioner

avails an appropriate remedy in this regard, the concerned authorities are expected to take a decision on the merits of the case at the earliest.

Sd/-
(P. Sam Koshy)
Judge

inder