

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5343 of 2021**

Smt. Pushpa Bairwa, W/o Shri Harish Bairwa Aged About 34 Years Elected Sarpanch, At Gram Panchayat Tarri, Police Station And Tahsil Gobranawapara, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Its Secretary, Department Of Panchayat And Rural Development , Mahanadi Bhawan, Atal Nagar , Mantralaya , New Raipur District Raipur Chhattisgarh.
2. Sub Divisional Officer (Rev) And President Authority Abhanpur District Raipur Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat Abhanpur, District Raipur Chhattisgarh.
4. Kalyan Dhruw Ward Member Ward No. 01 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
5. Smt. Pancho Bai Sahu Ward Member Ward No. 02 At Gram Panchayat Tarri, Block Abhanpur, District Raipur Chhattisgarh.
6. Rambharosa Sahu Ward Member Ward No. 03 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
7. Vivek Sharma Ward Member Ward No. 04 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
8. Smt. Amrit Nishad Ward Member Ward No. 05 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
9. Suraj Kumar Sahu Ward Member Ward No. 06 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
10. Smt. Krishna Manikpuri Ward Member Ward No. 07 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
11. Smt. Ulfi Dewangan Ward Member Ward No. 08 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
12. Poshan Sahu Ward Member Ward No. 09 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
13. Smt. Versha Mishra Ward Member Ward No. 10 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
14. Vijay Ratre Ward Member Ward No. 11 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
15. Smt. Bhanmati Banjare Ward Member Ward No. 12 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
16. Smt. Neelam Manikpuri Ward Member Ward No. 13 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
17. Smt. Nemeshwari Sahu Ward Member Ward No. 14 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.

18. Smt. Rekha Sahu Ward Member Ward No. 15 At Gram Panchayat Tarri, Block Abhanpur , District Raipur Chhattisgarh.
19. Smt. Parsotin Sahu Ward Member Ward No. 16 At Gram Panchayat Tarri, Block Abhanpur, District Raipur Chhattisgarh
20. Smt. Sohdra Bai Dhruw, Ward Member Ward No. 17 At Gram Panchayat Tarri, Block Abhanpur, District Raipur Chhattisgarh
21. Bedram Nishad, Ward Member Ward No. 18 At Gram Panchayat Tarri, Block Abhanpur, District Raipur Chhattisgarh
22. Ishwar Chandrakar Ward Member Ward No. 19 At Gram Panchayat Tarri, Block Abhanpur, District Raipur Chhattisgarh
23. Smt. Shashi Nagarchi, Ward Member Ward No. 20 At Gram Panchayat Tarri, Block Abhanpur, District Raipur Chhattisgarh

----Respondents

For Petitioner	:	Mr. Ravipal Maheshwari, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Mr. Justice P. Sam Koshy

Order on Board

20/12/2021

1. The present writ petition has been filed seeking for quashment of Annexure P/1, which is a correspondence made by the Sub-Divisional Officer to the Chief Executive Officer, Janpad Panchayat, Abhanpur, District Raipur. Vide the said correspondence, the Sub-Divisional Officer has sought for certain informations in respect of the statistic of the Gram Panchayat, Tarri where the petitioner is said to have been elected as Sarpanch.
2. During the course of hearing, learned counsel for the petitioner also has produced a document by way of a submission memo showing that the Sub-Divisional Officer has now initiated a no confidence proceeding against the petitioner and has fixed the date of no confidence motion on 21.12.2021. The contention of the petitioner is that the notice for initiating the no confidence motion also is bad to the

extent that there is failure of clear 7 days notice given to the petitioner and therefore the same also being in contravention to Section 21 of the Chhattisgarh Panchayat Raj Adhiniyam deserves to be interfered with.

3. Learned counsel for the petitioner also submits the plain perusal of the complaint which has been lodged before the respondent No.2 would show that the complaint is of trivial nature and they do not in any manner constitute an act which would warrant a no confidence motion and that the entire action is politically motivated and the same should therefore be interfered with.
4. Having heard the contentions put forth on either side and on perusal of record, this Court is of the firm view that since the Sub-Divisional Officer has already initiated a no confidence proceeding and a notice under Section 21 of the Panchayat Raj Adhiniyam having already been initiated, it would not be appropriate for the writ Court in exercise of its writ jurisdiction to interfere at this juncture with the said notice. As regards the violation of 7 days clear notice is concerned, from the proceedings, it appears that the notices have been dispatched on 13.12.2021 and the no confidence motion has been fixed on 21.12.2021.
5. Given the said facts also it would show that there is a clear 7-8 days notice period available for the petitioner and the said cannot prima-facie be held to be in contravention to the provisions of the Panchayat Raj Adhiniyam. The grounds that the petitioner intends to raise in the present writ petition and also the grounds available to the petitioner are all which can be raised by the petitioner in the course of no

confidence motion, he would be given a fair and reasonable opportunity of hearing to put forth her contention, and if not satisfied she can still challenge the same in accordance to the law.

6. Given the aforesaid facts and circumstances of the case, the writ petition at this juncture stands disposed of permitting the petitioner to give all her explanation before the Gram Panchayat when the no confidence motion is put to action with a further liberty to challenge the outcome in an appropriate proceeding, if required.
7. With the aforesaid liberty, the writ petition at this juncture stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved