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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5329 of 2021**

Purushottam Sinha S/o Ram Lal Aged About 35 Years Sarpanch Gram Panchayat, Chitaudh, Tahsil Gurur, District Balod, Chhattisgarh.

---- Petitioner**Versus**

1. The Collector Balod, District Balod, Chhattisgarh.
2. Sub Divisional Officer (Revenue) Gurur, District Balod, Chhattisgarh.
3. Lekhbai W/o Mohan Caste Dhimer, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
4. Savitri Bai W/o Ishwar Nishad Caste Nishad, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
5. Amrika Bai W/o Gopi Ram Sahu Caste Teli, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
6. Malti Bai W/o Kirtan Kumar Caste Gond, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
7. Ansuiya W/o Late Ranjeet, Caste Gond, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
8. Simpa Yadav W/o Nilesh Yadav Caste Yadav, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
9. Mangtanu Bai W/o Pratap Caste Gond, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
10. Kumari Bai W/o Jageshwar Lal Sahu Caste Teli, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
11. Gita Bai W/o Late Ghanaram Caste Gond, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
12. Rupa Bai W/o Bhuneshwar Caste Satnami, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
13. Parmeshwar S/o Sadaram Caste Gond, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
14. Gulmat Bai W/o Yogesh Caste Teli, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
15. Komal Sinha S/o Buddhuram Caste Kalar, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
16. Yogeshwari Nagwanshi W/o Bhushan Singh Caste Gond, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
17. Sukalu S/o Tenuram Caste Dhimer, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.
18. Sita Bai W/o Arjun Caste Nishad, R/o Village Chitaud, Tahsil Gurur, District Balod, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. B.P. Singh, Advocate alongwith Mr. Shikhar Bakhtiyar, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy
Order on Board

20/12/2021

1. Aggrieved by the order Annexure P/1 dated 24.11.2021 the present writ petition has been filed, whereby the petitioner's application before the Collector against the no confidence motion passed against him dated 07.08.2021 has been challenged and the learned Collector, District Balod has rejected the same.
2. The contention of the petitioner assailing the order is that the entire action of no confidence motion is in clear contravention to the provisions of the Chhattisgarh Panchayat Raj Adhiniyam in respect of the proceedings being in violation to the provisions of law to the extent that the mandatory requirement of clear 7 days notice before the no confidence proceeding is put to motion has not been followed.
3. This Court on perusal of the records finds that there is a categorical finding by the Collector so far as the dates are concerned. The finding of the Collector is that the notice in the instant case was dispatched to the petitioner and all the Panchas, on the 28th of July, 2021 and there is also a categorical finding that all the notices were in fact served upon all the Panchas including the petitioner on the 1st of August, 2021.
4. So far as the service of notice on 1st of August is concerned, it is not being disputed by the counsel for the petitioner. He only submits that

the dispatch of the notice with clear 7 days period does not seem to have been established before the Collector. This contention of the petitioner is hard to accept for the reason that once when there is no denial so far as the service of notice being effected on the 1st of August, 2021 by no stretch of imagination, can it said that notice was not dispatched before 1st of August and hence under all circumstances it has to be presumed that the notices must have been dispatched prior to 1st of August, 2021, which would again give a clear indication of there being 7 days clear notice period for the no confidence proceedings to be put to motion.

5. Given the categorical finding by the learned District Collector in the impugned order, the ground of challenge made by the petitioner is not established and this Court does not find any strong case made out calling for an interference with the impugned order. The writ petition therefore fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved