



2026:CGHC:24533



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AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****Order Reserved on : 23.04.2026****Order Delivered on : 18.06.2026****WPC No. 1910 of 2026**

Smt. Fuliya Devi W/o- Ashok Kumar Dhritlahare Aged About 42 Years
Elected Sarpanch In Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District-Balodabazar- Bhatapara (C.G.)

... Petitioner**versus**

- 1** - State Of Chhattisgarh Through Principal Secretary, Panchayat Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District-Raipur (C.G.)
- 2** - Collector, District Balodabazar- Bhatapara (C.G.)
- 3** - Sub Divisional Officer (R) Cum Prescribed Authority (Panchayat) Balodabazar, District- Balodabazar-Bhatapara (C.G.)
- 4** - Chief Executive Officer, Janpad Panchayat, Balodabazar,district-Balodabazar-Bhatapara (C.G.)
- 5** - Smt. Savitri Kosale W/o- Bhagar Kosale Aged About 46 Years Panch Ward No. 1, R/o- Gram Panchayat Ahilda, Janpand Panchayat Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 6** - Smt. Laxmin Verma , W/o- Ram Kumar Verma Aged About 32 Years Panch Ward No. 2, R/o- Gram Panchayat Ahilda, Janpand Panchayat Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 7** - Toshkumar Yadu S/o- Dhelaauram Aged About 42 Years Panch Ward No. 3, R/o- Gram Panchayat Ahilda, Janpand Panchayat Balodabazar, District- Balodabazar- Bhatapara (C.G.)



- 8** - Smt. Santoshi Verma, W/o- Yogeshwar Verma Aged About 27 Years
Panch Ward No. 5, R/o- Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 9** - Fanesh Verma, S/o- Malikram Aged About 42 Years Panch Ward
No.6, R/o- Gram Panchayat Ahilda, Janpand Panchayat Balodabazar,
District- Balodabazar- Bhatapara (C.G.)
- 10** - Rajendra Bande S/o- Jhaduram Bande Aged About 43 Years
Panch Ward No. 9, R/o- Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 11** - Kamlesh Kumar Sahu S/o- Ishwar Sahu Aged About 43 Years
Panch Ward No. 11, R/o- Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 12** - Smt. Manju Sahu, W/o- Suresh Sahu Aged About 27 Years Panch
Ward No. 12, R/o- Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 13** - Smt. Hartalika Sahu, W/o- Chintaram Sahu Aged About 40 Years
Panch Ward No. 13, R/o- Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 14** - Om Prakash Verma S/o- Amir Verma, Aged About 40 Years Panch
Ward No. 14, R/o- Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 15** - Smt. Saraswati Verma W/o- Ishwar Verma Aged About 53 Years
Panch Ward No. 15, R/o- Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 16** - Ahir Kumar , S/o- Gajlal Aged About 27 Years Panch Ward No. 16,
R/o- Gram Panchayat Ahilda, Janpand Panchayat Balodabazar,
District- Balodabazar- Bhatapara (C.G.)
- 17** - Smt. Sumitra Sahu, W/o- Murlidhar Sahu, Aged About 45 Years
Panch Ward No. 18, R/o- Gram Panchayat Ahilda, Janpand Panchayat
Balodabazar, District- Balodabazar- Bhatapara (C.G.)
- 18** - Dakeshwar Das Manikpuri, S/o- Mahettar Das, Aged About 49
Years Panch Ward No. 19, R/o- Gram Panchayat Ahilda, Janpand
Panchayat Balodabazar, District- Balodabazar- Bhatapara (C.G.)



19 - Lilaram Sahu, S/o- Manhar Sahu, Aged About 32 Years Panch Ward No. 20, R/o- Gram Panchayat Ahilda, Janpand Panchayat Balodabazar, District- Balodabazar- Bhatapara (C.G.)

--- Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Tarendra Kumar Jha, Advocate
For Respondent-State	:	Mr. Shaleen Singh Baghel, Govt. Advocate
For Respondent No.4	:	Mr. Shobhit Mishra, Advocate
For Respondent No.15	:	Mr. Bharat Lal Dembra, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

1. The petitioner, duly elected as Sarpanch of Gram Panchayat Ahilda, Block Balodabazar, District Balodabazar–Bhatapara, pursuant to a certificate issued by the Returning Officer on 25.02.2025, has assailed the proposed notice dated 16.04.2026 issued by the Sub-Divisional Officer (Revenue) under Rule 3(3) of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janapad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994 (for short, 'Rules, 1994') framed under the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short, 'Adhiniyam, 1993') whereby a meeting for consideration of a no-confidence motion has been scheduled on 23.04.2026 at 11:30 AM in the Panchayat Office, Ahilda, Janpad Panchayat Balodabazar; inter alia on the ground that no relevant documents were supplied along with the said notice (Annexure P/2). The



petitioner has paid for following relief(s):-

“10.1 Hon'ble Court may kindly be pleased to call for the entire record pertaining to the instant case.

10.2 The Hon'ble Court may kindly be pleased to allow this petition and set aside the impugned notice dated 13/16.04.2026 (ANNEXURE P/2), in the interest of Justice.

10.3 Any other relief which the Hon'ble Court deems fit and proper in the facts and circumstances of the case may also be provided to the petitioner.”

2. Brief facts of the case, in a nutshell, are that the petitioner was directly elected as Sarpanch of Gram Panchayat Ahilda, Block Balodabazar, District Balodabazar–Bhatapara, and was issued a certificate of election by the Returning Officer on 25.02.2025 (Annexure P/1). Thereafter, the SDO (Revenue)/Prescribed Authority issued a notice dated 16.04.2026 under Rule 3(3) of the Rules, 1994, proposing a no-confidence motion and convening a meeting on 23.04.2026 at 11:30 AM at the Panchayat Building/Office, Ahilda, Janpad Panchayat Balodabazar (Annexure P/2), without supplying any accompanying documents. The petitioner subsequently obtained certified copies of the relevant record, which reveal that an undated application for no-confidence motion purportedly signed by 15 Panchs, along with their affidavits (except one), was submitted to the Prescribed



Authority (Annexure P/3). It further transpires that the Prescribed Authority, vide letter dated 09.04.2026, sought certain information from the Chief Executive Officer, Janpad Panchayat Balodabazar; however, no report from the said authority is available on record. Being aggrieved by the impugned notice, the petitioner has preferred the present petition.

3. Mr. Tarendra Kumar Jha, learned counsel for the petitioner, submits that the impugned notice dated 13.04.2026, though ostensibly issued on the said date, was in fact served upon the petitioner only on 16.04.2026, convening the meeting for consideration of the no-confidence motion on 23.04.2026 at 11:30 AM. It is strenuously contended that Sub-Rule (3) of Rule 3 of the Rules, 1994 mandates grant of “clear seven days’ notice”, which is required to be computed from the date of actual service of notice upon the office bearer concerned. The expression “clear days” has been judicially interpreted to mean exclusion of both the date of service and the date of the meeting while computing the prescribed period. Tested on this anvil, the interval between 16.04.2026 (date of service) and 23.04.2026 (date of meeting) falls short of the mandatory requirement of clear seven days, thereby vitiating the impugned notice and all consequential proceedings. It is further submitted that adherence to the requirement of clear notice is not an empty formality but a substantive safeguard embedded in the statutory scheme to ensure fairness, transparency and adequate opportunity to the



elected representative to effectively prepare and present her defence. Any infraction thereof strikes at the root of the proceedings and renders the same unsustainable in law.

4. Learned counsel further submits that the petitioner was not furnished with a copy of the no-confidence motion or any supporting documents along with the impugned notice (Annexure P/2). In the absence of such material, the petitioner stands seriously prejudiced and is effectively deprived of a meaningful opportunity to defend herself during the course of the proceedings, which is in clear violation of the principles of natural justice as well as the democratic ethos underpinning the Panchayati Raj system. It is also contended that the simultaneous appointment of the Presiding Officer under Sub-Rule (4) of Rule 3 of the Rules, 1994, along with issuance of the impugned notice, reflects a pre-determined and arbitrary exercise of power by the Prescribed Authority. Furthermore, the record does not disclose any objective satisfaction recorded by the Prescribed Authority with regard to the validity, genuineness or procedural compliance of the application allegedly submitted by the Panchas, which itself appears to be undated and defective. Despite such patent infirmities, the Prescribed Authority proceeded to fix the date of meeting and initiate consequential steps, thereby vitiating the entire decision-making process and rendering the impugned action wholly illegal and unsustainable.



5. Reliance has been placed on the judgment of the Hon'ble High Court of Madhya Pradesh in ***Smt. Bhulin Dewangan vs. State of M.P. & Ors., 2000 (4) MPHT 69***, wherein it has been held that non-compliance with the requirement of clear notice vitiates the entire proceedings of no-confidence motion. Further reliance is placed on ***Nagsai vs. State of M.P. & Ors., AIR 1998 MP 81***, wherein the Court has categorically held that the provisions relating to issuance and service of notice are mandatory in nature and any infraction thereof renders the proceedings null and void.
6. Learned counsel has also relied upon the order passed by this Court in ***WPC No.3723/2019 decided on 18.10.2019*** as well as the recent order passed by the this Court in ***WPC No. 1801 of 2026 decided on 16.04.2026***, wherein in similar circumstances, the notice convening the meeting for no-confidence motion was quashed on account of failure to provide clear seven days' notice as required under Rule 3(3) of the Rules, 1994. In view of the settled legal position, it is submitted that the impugned notice deserves to be set aside.
7. On the other hand, Mr. Shaleen Singh Baghel, learned Government Advocate appearing for the State, along with Mr. Shobhit Mishra, learned counsel appearing for respondent No.4, and Mr. Bharat Lal Dembra, learned counsel appearing for respondent No.15, have jointly opposed the submissions advanced on behalf of the petitioner. It is contended that the



motion of no-confidence has been initiated strictly in accordance with the provisions of the Adhiniyam, 1993 and the Rules, 1994, and no procedural infirmity can be attributed to the action of the Prescribed Authority. Learned counsel submit that the initiation of the motion reflects the collective will of the elected Panchas, who have expressed their lack of confidence in the functioning of the petitioner, and therefore, the democratic process ought not to be interdicted at the threshold by this Court in exercise of its writ jurisdiction.

8. Mr. Bharat Lal Dembra, learned counsel appearing for respondent No.15, further submits that in terms of Section 21 of the Adhiniyam, 1993, the essential requirement for moving a motion of no-confidence stands duly satisfied, inasmuch as the requisite number of Panchas have supported and moved the motion against the petitioner on account of their dissatisfaction with her functioning as Sarpanch. It is argued that the contention raised by the petitioner regarding insufficiency of numbers is misconceived and contrary to the record. With regard to the objection pertaining to “clear seven days’ notice”, it is vehemently contended that the said period is to be reckoned from the date of issuance of the notice and not from the date of its service. In the present case, the notice having been issued on 13.04.2026 and the meeting having been scheduled on 23.04.2026, there exists a gap of more than seven days, thereby fully satisfying the requirement of Rule 3(3) of the Rules, 1994. It is thus submitted that the procedural



mandate has been scrupulously followed in letter as well as in spirit. He further submits that the petitioner has rushed to this Court prematurely, without allowing the statutory process to culminate, and therefore, the present petition is liable to be dismissed on the ground of prematurity alone. It is argued that the petitioner will have an adequate opportunity to participate in the meeting and put forth her defence, and in the event of any adverse outcome, appropriate remedies are available in accordance with law. Interference at this stage would amount to stalling a democratic process initiated by the elected representatives of the Gram Panchayat.

9. In support of their submissions, reliance has been placed upon the order passed by this Court in ***Smt. Janki Sahu vs. State of Chhattisgarh & Ors. (WPC No. 2757/2021 decided on 25.07.2023)***, wherein it has been held that for the purpose of computing the requirement of clear notice, the relevant date is the date of issuance of notice and not the date of service. It is thus contended that the grounds raised by the petitioner are devoid of merit, contrary to settled legal position, and the petition, as framed and filed, is not in consonance with the provisions of the Adhiniyam, 1993 and the Rules framed thereunder, and therefore deserves to be dismissed.
10. I have heard learned counsel for the respective parties at length and also perused the documents annexed to the writ petition.



11. Before advertng to the aforesaid statutory provisions, it would be apposite to note that in the present case, the challenge laid by the petitioner pertains to the legality and validity of the notice convening the meeting for consideration of a no-confidence motion, inter alia on the grounds of non-compliance with the mandatory requirement of clear notice, non-supply of relevant documents, and denial of a reasonable opportunity to effectively participate in the proceedings. The controversy, therefore, revolves around the adherence to the prescribed statutory procedure governing the initiation and conduct of a no-confidence motion under the Adhiniyam, 1993 and the Rules, 1994. In this backdrop, it becomes necessary to examine the relevant provisions of law to ascertain whether the impugned action of the Prescribed Authority withstands the test of legality.
12. A motion of no-confidence against Sarpanch and Up-Sarpanch can only be passed in accordance with the provision of Section 21 of the Adhiniyam, 1993 in a meeting conducted in the manner prescribed under Rule 5, which are reproduced thus:

"21. No-confidence motion against Sarpanch and Up-Sarpanch- (1) On a motion of no-confidence being passed by the Gram Panchayat by a resolution passed by majority of not less than three-fourth of the Panchas present and voting and such majority is more than two-third of the total number of Panchas constituting the Gram Panchayat for the time being, the Sarpanch or Up-Sarpanch against



whom such motion is passed, shall cease to hold office forthwith.

(2) Notwithstanding anything contained in this Act or the rules made thereunder a Sarpanch or an Up-Sarpanch shall not preside over a meeting in which a motion of no-confidence is dismissed against him. Such meeting shall be convened in such manner as may be prescribed and shall be presided over by an officer of the Government as the Prescribed Authority may appoint. The Sarpanch or the Up-Sarpanch, as the case may be, shall have a right to speak at, or otherwise to take part in, the proceeding of the meeting.

(3) No-confidence motion shall not lie against the Sarpanch or Up-Sarpanch within a period of -

(i) One year from the date on which the Sarpanch or Up-Sarpanch enter their respective office;

(ii) six months preceding the date on which the term of office of the Sarpanch or Up-Sarpanch, as the case may be, expires;

(iii) one year from the date on which previous motion of no-confidence was rejected."

"5. Conduct of meeting.-- (1) The Presiding Officer shall record the attendance of the members of the Panchayat present at the meeting.

(2) If the signatory/ies of the no-confidence motion wants to withdraw the motion suo motu he/they may do so in writing and by presenting such notice in person to the Presiding Officer before the no-confidence motion is taken up for consideration.



(3) If the motion is not withdrawn suo motu the Presiding Officer shall ask any of the signatories to the notice to move the motion.

(4) After the motion is moved the mover shall first speak on the motion and thereafter other members may, if they so desire, speak on the motion.

(5) On the conclusion of the debate on the motion, the Presiding Officer shall call the members present in the meeting one by one and shall give them ballot paper duly signed by him to indicate its authenticity, to cast his vote for or against the motion. The member who wants to vote in favour of the motion shall affix the symbol (C) and the member who wants to vote against the motion shall affix the symbol V. After the member has recorded his vote, he shall fold the ballot paper to maintain secrecy and put it in the ballot box kept on the table of the Presiding Officer.

(6) After the voting is covered, the Presiding Officer shall take out the ballot papers from the ballot box and sort out the votes for and against the motion. If the number of votes in favour of the motion fulfills the requirement of Sub-section (1) of Section 21, Sub-section (1) of Section 28, or Sub-section (1) of Section 35, as the case may be, the Presiding Officer shall declare that the motion of no-confidence is passed. In the event of there being an equity of votes in favour of and against the motion, the motion would be decided by toss of coin."

- 13.** From a bare look to Sub-section (2) of Section 21 and Rule 5, it is abundantly clear that the Sarpanch or Up-Sarpanch against whom



the motion of no-confidence is discussed has a right to speak at or otherwise to take part in the proceeding of the meeting. The object of this right is to satisfy and impress upon the members during the course of discussion about his confidence, which was denied to the petitioner. Therefore, even if the motion of no-confidence is passed by majority as required under Section 21(1) of the Adhiniyam, 1993, cannot be said to have been validly passed. It is well-settled that when a statute provides for a mode of doing an act, it has to be done in that manner alone, other modes of doing the act are not permissible. Therefore, the statutory right of the petitioner under Sub-section (2) of Section 21 of the Adhiniyam, 1993 cannot be whittled down by any means, including the majority of members.

- 14.** Upon perusal of the record and the submissions advanced by learned counsel for the parties, the controversy involved in the present case essentially revolves around two issues: firstly, whether the impugned notice satisfies the mandatory requirement of “clear seven days’ notice” as contemplated under Sub-Rule (3) of Rule 3 of the Rules, 1994; and secondly, whether the motion of no-confidence has been initiated with the requisite number of Panchas in terms of Section 21(1) of the Adhiniyam, 1993.
- 15.** Insofar as the first issue is concerned, it is not in dispute that the notice for convening the meeting for consideration of the no-confidence motion was issued on 13.04.2026 and the same was



admittedly served upon the petitioner on 16.04.2026. The meeting was scheduled to be held on 23.04.2026 at 11:30 AM in the office of Gram Panchayat, Ahilda. The contention of the petitioner is that the requirement of “clear seven days” is to be computed from the date of service of notice, whereas the respondents assert that the same is to be reckoned from the date of issuance of notice.

16. The Co-ordinate Bench of this Court in the matter of ***Tintus Tigga v. State of Chhattisgarh and Others, 2012 SCC OnLine Chh 39***, has held as under :-

“6. It is an admitted position that the no-confidence motion was carried out against the petitioner by thumping majority as 9 members voted in favour of no-confidence motion and only three against the no-confidence motion.

7. The Collector, in the dispute referred under section 21(4) of the Adhiniyam, has considered the issues raised before him as well as before this Court. The Collector has rightly come to the conclusion that the date of receipt of notice before convening the meeting of the Gram Panchayat specifying date, time and place is not to be counted from the date of receipt of the notice, but from the date of its dispatch. It is not in dispute that the notice was despatched on 18.08.2011 when it was decided to convene the meeting of the Gram Panchayat on 26.08.2011.

8. Sub-rule (3) of Rule 3 of the Rules, 1994 which is in respect of issue of notice provides



for dispatch of notice shall be seven days before the date of meeting. Seven days is accordingly not to be counted from the date of receipt of the notice, but from the date of its dispatch. Rule 3 (3) of the Rules, 1994 reads as under:

"3(3).. The notice of such meeting specifying the date, time and place thereof shall be caused to be despatched by him through the Secretary of the Gram Panchayat or Chief Executive Officer of the Janpad or Zila Panchayat, as the case may be, to every member of the Panchayat concerned seven days before the meeting."

9. In an identical matter, this Court, in Pilaram Dewangan v. State of Chhattisgarhi observed as under:

16. The Hon'ble Supreme Court, in the case of Jai Charan Lal Anal v. The State of U.P. (AIR 1968 SC 5 (v 55 C2) while dealing with the provisions under Uttar Pradesh Municipalities Act, 1916 provides for clear 7 days intervention between date of dispatch of notice and date of meeting observed that "the sub-section says that the District Magistrate shall send the notice not less than seven clear days before the date of the meeting and the word 'send' shows that the critical date is the date of the despatch of the notice. As the notice was sent on the 17th and the meeting was to be called on the 25th, it is obvious that seven clear days did intervene



and there was no breach of this part of the section". The identical facts and provisions of law are involved in the present case. The notice was despatched on 22.8.2006 for the meeting to be held on 30.08.2006. Thus, there were 7 clear days between the date of despatch and the date of meeting."

10. Election is the basic pillar of the democratic elections. A candidate who participates in the election process gets elected by majority of votes polled in his favour. In a similar way, when a no-confidence motion is carried against an elected candidate, and the motion is carried out by a clear majority, the same cannot be held as illegal merely on the ground of some technical defects and the allegations made by the petitioner, which are not supported by any documentary evidence, or otherwise. The no-confidence motion has been passed by a clear majority in a proper resolution held in presence of the petitioner.

11. This Court, in Ghanshyam Yadav v. Rameshwar Sahu, held that no prejudice, whatsoever is caused in any manner when the resolution was passed by overwhelming majority. In the instant case, it is clear that the members of the Gram Panchayat have lost faith in the Sarpanch, and thus, he was removed by no-confidence motion."

- 17.** Reverting to the facts of the present case in the light of ***Tintus Tigga*** (supra), it is apparent that even if the date of issuance i.e.



13.04.2026 is taken into account, the meeting has been fixed on 23.04.2026, thereby providing a gap of more than seven days. Further, the petitioner has not been able to demonstrate any real or substantial prejudice caused to her on account of the alleged shortfall in notice. In such circumstances, and particularly in view of the law laid down in **Smt. Janki Sahu** (supra), wherein it has been held that the requirement of notice is to be reckoned from the date of issuance, this Court is of the considered opinion that the mandate of Rule 3(3) of the Rules, 1994 stands substantially complied with. Accordingly, the first contention raised by the petitioner does not merit acceptance.

18. Turning to the second contention with regard to the requirement of requisite number of Panchas, the record indicates that out of the total 21 members of the Gram Panchayat (20 Panchas and one Sarpanch), as many as 15 Panchas have signed and supported the motion of no-confidence against the petitioner. The requirement under Section 21(1) of the Adhiniyam, 1993 is that the motion must be carried by a majority of not less than three-fourths of the Panchas present and voting, and such majority should also be more than two-thirds of the total number of Panchas constituting the Gram Panchayat.
19. In the present case, the number of 15 Panchas supporting the motion satisfies the threshold of more than two-thirds of the total strength, and there is nothing on record at this stage to indicate



that the motion is not backed by the requisite statutory majority. It is also pertinent to note that the stage of actual voting and determination of whether the motion is carried in accordance with Section 21(1) of the Adhiniyam, 1993 would arise only during the meeting convened for the said purpose.

20. So far as the submission regarding non-supply of documents and alleged procedural irregularities in initiation of the motion is concerned, this Court is of the view that such issues, though not entirely insignificant, do not, in the facts of the present case, go to the root of the matter so as to warrant interference at the pre-meeting stage. The petitioner shall have an adequate opportunity to participate in the proceedings of the meeting, to put forth her defence, and to exercise her statutory right under Section 21(2) of the Adhiniyam, 1993.
21. The law is well-settled that the Court ought to be slow in interdicting a democratic process initiated by elected representatives, unless there is a clear and patent violation of mandatory statutory provisions causing manifest injustice.
22. The Co-ordinate Bench of this Court in the matter of **Gopi Lal Sahu v. State of Chhattisgarh and others, 2019 SCC OnLine Chh 419**, while dealing with similar issue, has held as under :-

“8. Having heard the contentions put forth on either side and on perusal of the record, it would be relevant to refer to the Full Bench



Decision of the Madhya Pradesh High Court in the case of Bhulin Dewangan (supra) wherein considering the aspect of consequences of the non-compliance of the statutory provisions as in Paragraph 15 it was held as under:-

*15. The general rule is that non-compliance of mandatory requirement results in nullification of the Act. There are, however, several exceptions to the same. If certain requirements or conditions are provided by statute in the interest of a particular person, the requirements or conditions, although mandatory, may be waived by him if no public interest are involved and in such a case the act done will be valid even if the requirements or conditions have not been performed. This appears to be the reason for learned C.K. Prasad, J. in *Dhumadhandin v. State of M.P.* ((1997) 1 Vidhi Bhasvar 49) which was followed by R.S. Garg, J., in *Mahavir Saket v. Collector, Rewa* ((1998) 1 J LJ 113) for holding that mere non-compliance of first part of the rule in fixing a meeting beyond the prescribed days of the motion of no-confidence would not invalidate the whole proceedings. In case of *Dhumadhandin (supra)*, the Sarpanch did not question the validity of the notice calling the meeting of no-confidence and in fact had taken chance by facing the motion. R.S. Garg, J., in *Mahavir Saket (supra)* placed reliance on the decision of C.K. Prasad, J., in *Dhumadhandin (supra)* to uphold the passing*



of the no-confidence motion in the adjourned meeting as in the meeting called within the prescribed fifteen days the Presiding Officer was not available. Sub-section (4) of Section 21 permits reference of a dispute to the Collector by Sarpanch or Up-Sarpanch against whom a notice of no-confidence motion had been passed. The proceedings of the no-confidence motion or other proceedings under the Act are also assailable in this Court as Constitutional Court under Article 227 of the Constitution of India. As has been construed by us, even though second part of the rule requiring dispatch of notice of the meeting to the member is mandatory, yet in every case of challenge to the proceeding of no-confidence motion either before the Collector or this Court, it would still be open to the Collector or this Court to find out whether in a given case non-compliance of any part of the rule has in fact resulted in any failure of justice or has caused any serious prejudice to any of the parties. The general rule is that a mandatory provision of law requires strict compliance and the directory one only substantial. But even where the provision is mandatory, every non-compliance of the same need not necessarily result in nullification of the whole action. In a given situation even for non-fulfillment of mandatory requirement, the authority empowered to take a decision may refuse to



nullify the action on the ground that no substantial prejudice had been caused to the party affected or to any other party which would have any other substantial interest in the proceeding. This Court under Article 227 of the Constitution has also a discretion not to interfere even though a mandatory requirement of law has not been strictly complied with as thereby no serious prejudice or failure of justice has been caused. This is how various single Bench decisions in which even after finding some infraction of the second part of Rule 3(3) of the Rules of 1994, the resolution of no-confidence motion passed was not invalidated on the ground that no substantial prejudice thereby was caused to the affected parties. The intention of the legislature has to be gathered from the provisions contained in Section 21 and the Rule 3(3) framed thereunder. The provisions do evince an intention that a meeting of the no-confidence motion be called within a reasonable period of not later than 15 days and every member has to be informed of the same seven days in advance. A notice of no-confidence motion is required to be moved by not less than ord of the total number of elected members as required by first Proviso to Sub-rule (1) of Rule 3 and can be lawfully carried by a resolution passed by majority of not less than 4th of the Panchas present and voting and such majority has to be more than 3%rd of



the total number of Panchas constituting the Panchayat in accordance with sub-section (1) of Section 21 of the Act. This being the substance of the provisions under the Act and the rules, a mere non-compliance of second part of Sub-rule (3) would not in every case invalidate the action unless the Collector while deciding the dispute under Sub-section (4) of Section 21 or this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution comes to the conclusion that such non-compliance has caused serious prejudice to the affected office bearer or has otherwise resulted in failure of Justice."

9. The aforesaid view of the Full Bench decision of the Madhya Pradesh High Court stands reiterated by this Court in the case of Sahasram Jangde v. State of Chhattisgarh, (2013) 4 CGLJ 526 wherein in paragraph 6 it has been held as under:-

"6. When the law laid down by the full Bench of M.P. High Court and Division Bench of this Court is applied to the facts of the present case, it is to be seen that respondent No. 6 Sarpanch has not raised any ground before the Additional Collector that because of the fact that meeting was convened on 8th day from the date of dispatch of notice and not on 9th day, and thus clear 7 days notice was not issued, she has suffered grave prejudice in preparing herself for the meeting and there



being no such finding by the Additional Collector in the impugned order, it will be taken as if no prejudice has been caused to respondent No. 6 Sarpanch and thus in absence of prejudice or failure of justice, the Additional Collector has wrongly set aside the resolution of the Gram Panchayat declaring the no-confidence motion to be passed. It is also to be seen that once this Court in the earlier writ petition has held that the earlier resolution of the Gram Panchayat passing no-confidence motion in May, 2011 having been annulled on technical grounds, the bar against moving of another motion within one year would not apply, the SDO (Revenue) should not have sought opinion from the Chief Executive Officer, Janpad Panchayat or from the Deputy Director Panchayat. However, by doing so, he wasted 7 days in the process. Therefore, once the no confidence motion has been passed the democratic norms and the statutory provisions cannot be left at the mercy of the prescribed authority when the law is well settled in the case of Bhulin Dewangan (supra). Declaring the resolution of the Gram Panchayat which has passed the no confidence motion by majority as illegal would render the wish of the house nugatory and the Sarpanch who has lost the confidence of the house shall be allowed to function without any mandate in her favour. Such interpretation of Rule is neither



permissible nor contemplated and this Court will not allow such effort of the prescribed authority to frustrate the will of the house by adopting dilatory tactics on the pretext of seeking legal opinion or opinion from the higher authorities. Learned counsel for respondent No. 6 has relied on judgment of M.P. High Court in the matter of Jugraj Singh Markam v. Dhannalal Maravi: (2003) 4 MP LJ 378. However, in view of the discussion made above, and particularly the law laid down by the Full Bench of the M.P. High Court and the peculiar facts of this case, the said judgment relied upon by respondent No. 6 has no application and is distinguishable. In the result, the writ petition succeeds and is allowed. The impugned order dated 28.06.2012 passed by the Additional Collector is set aside. Consequently respondent No. 6 no longer remains as Sarpanch of Gram Panchayat, Dahida, Tahsil Sarangarh District Raigarh."

12. So far as the judgment referred to by the counsel for the respondent No. 7 in the case of Muku Bai (1999 AIHC 3282 (MP)) (*supra*) is concerned if we read the Full Bench decision subsequently decided, the decision of Muku Bai also has been referred by the Full Bench and they have approved of the law as it stands but have further gone to decide the issue on the ground of the person loosing public confidence and also that it would not be in the public interest to permit somebody against



whom there is no confidence of the other panches. The Full Bench judgment also went to hold that it was necessary to show the prejudice caused on account of the alleged non-compliance of the statutory requirement i.e. the requirement as is envisaged under Rule 3 of the Rules of 1994 (supra). Given the aforesaid facts and circumstances of the case, this Court is compelled to allow the present writ petition. Accordingly, the impugned orders Annexure P-1 dated 26.09.2019 & Annexure P-6 dated 27.07.2019 stands set aside/ quashed with consequences to follow.”

23. Very recently, the Honb'le High Court of Madhya Pradesh in the matter of **Smt. Priyanka Dhurve v. State of Madhya Pradesh and others (WP No.34643/2025 decided on 22.01.2026)**, has observed as follows:-

*“17. The said aspect of dispatching of notice and receipt of the same was considered by the Full Bench of this Court in the case of **Bhulin Dewangan** (supra) and the Full Bench has held as under:-*

“15. The general rule is that non-compliance of mandatory requirement results in nullification of the Act. There are, however, several exceptions to the same. If certain requirements or conditions are provided by statute in the interest of a particular person, the requirements or conditions, although mandatory, may be waived by him if no



public interest are involved and in such a case the act done will be valid even if the requirements or conditions have not been performed. This appears to be the reason for learned C.K. Prasad, J., in Dhumadhandin v. State of M.P. (1997 (1) Vidhi Bhasvar 49) which was followed by R.S. Garg, J., in Mahavir Saket v. Collector, Rewa (1998 (1) J LJ 113) for holding that mere non-compliance of first part of the rule in fixing a meeting beyond the prescribed days of the motion of no-confidence would not invalidate the whole proceedings. In case of Dhumadhandin (supra), the Sarpanch did not question the validity of the notice calling the meeting of no-confidence and in fact had taken chance by facing the motion. R.S. Garg, J., in Mahavir Saket (supra) placed reliance on the decision of C.K. Prasad, J., in Dhumadhandin (supra) to up-hold the passing of the no-confidence motion in the adjourned meeting as in the meeting called within the prescribed fifteen days the Presiding Officer was not available. Sub-section (4) of Section 21 permits reference of a dispute to the Collector by Sarpanch or Up-Sarpanch against whom a notice of no confidence motion had been passed. The proceedings of the no-confidence motion or other proceedings under the Act are also assailable in this Court as Constitutional Court under Article 227 of the Constitution of India. As has been construed by us, even



though second part of the rule requiring dispatch of notice of the meeting to the member is mandatory, yet in every case of challenge to the proceeding of no-confidence motion either before the Collector or this Court, it would still be open to the Collector or this Court to find out whether in a given case non-compliance of any part of the rule has in fact resulted in any failure of justice or has caused any serious prejudice to any of the parties. The general rule is that a mandatory provision of law requires strict compliance and the directory one only substantial. But even where the provision is mandatory, every non-compliance of the same need not necessarily result in nullification of the whole action. In a given situation even for non-fulfillment of mandatory requirement, the authority empowered to take a decision may refuse to nullify the action on the ground that no substantial prejudice had been caused to the party affected or to any other party which would have any other substantial interest in the proceeding. This Court under Article 227 of the Constitution has also a discretion not to interfere even though a mandatory requirement of law has not been strictly complied with as thereby no serious prejudice or failure of justice has been caused. This is how various Single Bench decisions in which even after finding some infraction of the second part of Rule 3 (3) of



the Rules of 1994, the resolution of no-confidence motion passed was not invalidated on the ground that no substantial prejudice thereby was caused to the affected parties. The intention of the legislature has to be gathered from the provisions contained in Section 21 and the Rule 3 (3) framed thereunder. The provisions do evince an intention that a meeting of the no-confidence motion be called within a reasonable period of not later than 15 days and every member has to be informed of the same seven days in advance. A notice of no-confidence motion is required to be moved by not less than 1/3rd of the total number of elected members as required by first Proviso to Sub-rule (1) of Rule 3 and can be lawfully carried by a resolution passed by majority of not less than 3/4th of the Panchas present and voting and such majority has to be more than 2/3rd of the total number of Panchas constituting the Panchayat in accordance with subsection (1) of Section 21 of the Act. This being the substance of the provisions under the Act and the rules, a mere non-compliance of second part of Sub-rule (3) would not in every case invalidate the action unless the Collector while deciding the dispute under Sub-section (4) of Section 21 or this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution comes to the conclusion that such non-compliance has caused serious prejudice to the affected



office bearer or has otherwise resulted in failure of justice."

18. The Full Bench of this Court in the case of **Bhulin Dewangan** (supra) has approved the decision taken by the Division Bench of this Court in the case of **Muku Bai Vs. State of M.P.** reported in 1998 (2) MPLJ 661 as well as **Mahesh Pd. Choudhary Vs. State of M.P.** reported in 1997 (2) JLJ 397, **Srinarayan Tiwari Vs. State of M.P.** reported in 1998 (1) MPLJ 427, **Sharda Bai Khatik Vs. State of M.P.** reported in 1997 (2) MPLJ 291 and has rightly upheld the judgment passed in the case of **Dhumadhandin Vs. State of M.P.** and others reported in 1997 (2) MPLJ 175 observing therein that learned Single Judge has rightly exercised his discretion and declined to invalidate the No Confidence Motion passed in a meeting held beyond 15 days of the receipt of the No Confidence Motion and the case is distinguishable on its facts.

19. Similar view was taken in the case of **Pilvindar Singh** (supra), wherein taking note of the judgment passed in the case of **Bhulin Dewangan** (supra), the Court has held as under:-

"13. The first contention of the petitioner is that the prescribed authority on receiving the notice under Sub-Rule (1) of Rule 3 of the Rules of 1994 had not satisfied itself about the admissibility of the notice with reference



to Section 21(3) of the Adhiniyam, 1993 and since the said satisfaction has not been recorded and had fixed the date, the entire proceedings are vitiated and thus deserve to be quashed.

14. Section 21(3) of the Adhiniyam, 1993 provides that "no-confidence motion shall not lie against the Sarpanch or Up-Sarpanch within a period of; (i) two and half year from the date on which the Sarpanch or Up-Sarpanch enter their respective Office; (ii) six months preceding the date on which the term of office of the Sarpanch or Up-Sarpanch, as the case may be. expires; (iii) six months from the date on which the previous motion of no-confidence was rejected, 15. Herein case, the petitioner had assumed the Office of Sarpanch on 14.07.2022. As per the contention of the respondents in their petition under Section 21 of the Adhiniyam, 1993, resolution of no-confidence motion was passed on 10.03.2025 which was clearly after a period of two & half years from the date on which the petitioner has assumed the Office. Thus, the contention of the petitioner that satisfaction of no confidence has not been recorded by the prescribed authority with regard to Section 21(3) of the Adhiniyam, 1993, therefore, the order is bad in law has no force, as admittedly from the record, the no-confidence was brought by the majority of the members after a period of two and half years from the date of assuming of



the charge by the petitioner and thus, fixing of the date, time and place for the meeting of the Gram Panchayat cannot be faulted with and also since the date fixed by the prescribed authority was 29.04.2025, which was not more than 15 days from the date of receipt of the said notice by the prescribed authority, therefore, on this count also, fixing of the meeting cannot be faulted with."

20. From the perusal of the aforesaid judgments passed by the Full Bench as well as Co-ordinate Bench of this Court, it is apparently clear that the dispatching of notice and its receipt by the concerning person, though being a mandatory provision under the Act, however the fact remains that the non-compliance of the same need not be necessarily result in nullification of the whole action. It depends upon facts of each case. The argument that mandatory provisions are not followed is of no benefit to the petitioner on the ground that no substantial prejudice has been caused to her or any other party.

21. If the aforesaid principle is applied to the facts of the present case, it is seen that the notice which was issued for fixing a date, time and place for consideration of No Confidence motion were duly served to the petitioner. There is a noting of the petitioner on the said notice that the said notice was received by the petitioner on 29/05/2025, that is two days prior to the date of hearing on No Confidence



motion. Thereafter, the petitioner appeared and the motion on No Confidence against the petitioner was passed by the majority of two-third out of total 15 Panchs and the same was forwarded for consideration before respondent No.3 vide letter dated 02/06/2025. The Appeal filed by the petitioner against the No Confidence motion dated 31/05/2025 was dismissed observing that out of 13 Panchs in all present including the petitioner, 12 has voted in favour of the No Confidence motion.

*22. The Full Bench of this Court in the case of **Bhulin Dewangan** (supra), has further considered the aspect that it is the intention of the legislature which has to be seen when a No Confidence Motion against the Sarpanch is moved which is duly supported by two-third majority of votes of Panchs voting in favour of the No Confidence motion.*

23. In the present case, out of 13 Panchs, 12 Panchs have voted in favour of No Confidence motion. The ground regarding dispatch and receipt of notice and not granting reasonable period of 15 days to every member will not be of any help to the petitioner. It is provided under Section 21 of the Adhiniyam, 1993 that a meeting of No Confidence be called within a reasonable period not later than 15 days i.e. the outer time limit of 15 days is fixed by the legislature, but prior to 15 days the meeting can be called at any point of time. In the present case, after issuance of notice the meeting was



fixed on 31/05/2025. The entire record indicates that the petitioner was well aware of the fact of proceedings of No Confidence being initiated against her. She participated in the proceedings and thereafter the order was passed by the Collector.”

- 24.** Reverting to the facts of the present case in the light of the aforementioned judicial precedents, it is quite vivid that the impugned notice convening the meeting for consideration of the no-confidence motion does not suffer from any such patent illegality or procedural infirmity as would warrant interference by this Court in exercise of its extraordinary writ jurisdiction. The notice having admittedly been issued on 13.04.2026 for the meeting scheduled on 23.04.2026, the requirement contemplated under Rule 3(3) of the Rules, 1994 stands substantially complied with. Moreover, the petitioner has failed to establish any real or substantial prejudice occasioned to her on account of the alleged delay in service of notice or non-supply of documents. On the contrary, the record reflects that the motion has been initiated by the requisite number of elected Panchas in accordance with Section 21 of the Adhiniyam, 1993, thereby manifesting the democratic will of the House. In such circumstances, this Court is not inclined to thwart the democratic process at a nascent stage merely on technical objections, particularly when no failure of justice is shown to have occurred.
- 25.** In view of the aforesaid analysis, this Court does not find any such



illegality, arbitrariness or procedural infirmity in the impugned notice or in the initiation of the no-confidence motion as would warrant interference in exercise of writ jurisdiction under Article 226 of the Constitution of India. The record clearly demonstrates that the motion has been initiated by the requisite number of elected Panchas in accordance with the provisions of Section 21 of the Adhiniyam, 1993 and the competent authority, upon being satisfied with the requisition so submitted, proceeded to issue the impugned notice dated 13.04.2026 fixing the meeting on 23.04.2026. Thus, there existed more than the statutorily prescribed period between the date of issuance of notice and the scheduled date of meeting. Merely because the petitioner received the notice on 16.04.2026 would not invalidate the proceedings, particularly in absence of any material demonstrating substantial prejudice or failure of justice. Even otherwise, the petitioner has not been able to point out any violation of mandatory statutory provisions affecting the very foundation of the proceedings. The objections raised with regard to alleged insufficiency of notice and non-supply of documents are essentially technical in nature and do not strike at the root of the democratic process initiated by the elected representatives of the Gram Panchayat. Therefore, the grounds raised by the petitioner do not make out any exceptional case for quashing the impugned notice at this pre-meeting stage, especially when judicial restraint is required in matters concerning democratic functioning and no-



confidence proceedings.

26. Accordingly, the writ petition, being devoid of merit, deserves to be and is hereby **dismissed**. However, it is observed that the proceedings for consideration of the no-confidence motion shall be conducted strictly in accordance with the provisions of the Adhiniyam, 1993 and the Rules, 1994, and the petitioner shall be afforded full opportunity to participate in the same in accordance with law.

27. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
23.04.2026	18.06.2026	-----	18.06.2026