



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 3890 of 2021Bahor Singh **Versus** State Of Chhattisgarh & Ors.

22/09/2021	<p>Ms. Sharmila Singhai, Senior Advocate along with Shri Malay Shrivastava, Counsel for the Petitioner.</p> <p>Shri Ashish Tiwari, G.A. for the State.</p> <p>Heard.</p> <p>Learned Senior advocate for the petitioner would submit that no confidence motion was initially set to have moved on 08.09.2021 though it do not fulfill the requirement of Rule 3 (1) of the C.G. (<i>Gram Panchayat ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav</i>) Niyam, 1994 (for short 'Rules of 1994'). It is further submitted that the SDO further delegated his power to the CEO which is contrary to the law laid down in WPC No. 826/ 2012 decided on 10.05.2012 by this Court. She further submits that as per Rule 3 (1) of the Rules of 1994, the SDO himself has to satisfy the authenticity of such notice. It is further submitted referring to one of the notices on 13.09.2021, that the notice were also not served which is mandatory under Rule 3 (3) as it would reflect the notice has not been served to one of the member further despite of all these irregularities no confidence motion</p>



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is said to be carried out.

Issue notice to Respondents No. 4 to 26, on payment of process fee, as per rules.

Considering the tenor of notice dated 13.09.2021 and the delegation of power by the SDO to the CEO, Janpad Panchayat on 08.09.2021 this issue needs consideration. Taking into such facts, it is directed that no confidence motion shall not be carried out pursuant to the proceedings which were commenced on 08.09.2021 against the petitioner, till the next date of hearing.

List the case after 3 weeks.

Certified copy today.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti