



2026:CGHC:25359

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 3012 of 2026**

Smt. Suraj Sadhelal Bhardwaj W/o Ghanshyam Bhardwaj Aged About
53 Years R/o Padawpara, Kargi Road, Kota, District- Bilaspur (C.G.)

... Petitioner**versus**

- 1** - State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
- 2** - Collector, Bilaspur District- Bilaspur (C.G.)
- 3** - Sub-Divisional Officer (Revenue) Kota, District Bilaspur (C.G.)
- 4** - Chief Executive Officer Jila Panchayat Bilaspur, District Bilaspur (C.G.)
- 5** - Chief Executive Officer Janpad Panchayat Kota, District Bilaspur (C.G.)
- 6** - Smt. Urmila Pradhan Janpad Member, Ward No. 09, Janpad Panchayat Kota, District Bilaspur (C.G.)
- 7** - Shri Manohar Singh Raj Janpad Member, Ward No.06, Janpad Panchayat Kota, District Bilaspur (C.G.)
- 8** - Shri Raghubir Armo Janpad Member, Ward No.07, Janpad Panchayat Kota, District Bilaspur (C.G.)
- 9** - Shri Arvind Jaiswal Janpad Member, Ward No.12, Janpad Panchayat Kota, District Bilaspur (C.G.)
- 10** - Shri Ramprasad Shrivastava (Vicky Shrivastava) Janpad Member, Ward No.14, Janpad Panchayat Kota, District Bilaspur (C.G.)

11 - Smt. Neha Sachin Sahu Janpad Member, Ward No.08, Janpad Panchayat Kota, District Bilaspur (C.G.)

12 - Shri Raghvendra Gahwai Janpad Member, Ward No.16, Janpad Panchayat Kota, District Bilaspur (C.G.)

13 - Shri Alibaba Kashyap Janpad Member, Ward No. 25, Janpad Panchayat Kota, District Bilaspur (C.G.)

14 - Shri Dharmendra Dewangan Janpad Member, Ward No.19, Janpad Panchayat Kota, District Bilaspur (C.G.)

15 - Er. Manoj Maravi Janpad Member, Ward No.17, Janpad Panchayat Kota, District Bilaspur (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Goutam Khetrapal, Advocate
For State	:	Mr. Anand Dadariya, Deputy Advocate General
For Respondents No.9 and 14/Caveators	:	Mr. Prafull N. Bharat, Senior Advocate assisted by Mr. Humanyu Kabeer, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

22.06.2026

1. Heard Mr. Goutam Khetrapal, learned counsel for the petitioner. Also heard Mr. Anand Dadariya, learned Deputy Advocate General appearing for the State as well as Mr. Prafull N. Bharat, learned Senior Advocate assisted by Mr. Humanyu Kabeer, learned counsel appearing for the Caveators/respondents No.9 and 14.
2. By filing the present petition, the petitioner has challenged the notice dated 08.06.2026 issued under Rule 3(1) of the

Chhattisgarh Panchayat (Sarpanch/Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Viruddh Avishwas Prastav) Rules, 1994 (for short, 'Rules, 1994'), initiating proceedings for moving a no-confidence motion against the petitioner, and has further sought quashing of the consequential order dated 12.06.2026 passed by Respondent No.2 (Collector, Bilaspur) in Case No.202606072100005, whereby the meeting for consideration of the no-confidence motion has been fixed on 22.06.2026 without deciding the petitioner's objection regarding the forged and fabricated signatures of elected members on the requisition notice. It is the case of the petitioner that the initiation and continuation of the impugned proceedings are in breach of the mandatory provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short, 'Act, 1993') and the Rules of 1994 and, therefore, the impugned notice dated 08.06.2026 and the consequential order dated 12.06.2026 deserve to be quashed and set aside as being illegal, arbitrary, without jurisdiction and void ab initio. The petitioner has prayed for following relief(s):-

“10.1 Issue an appropriate writ, order or direction quashing/set aside the impugned order dated 12-06-2026 passed by Respondent No.2 (Collector, Bilaspur (C.G.)) (Annexure- P/1) in Election Petition Case No. 20260607100005 whereby respondent no 2 has fixed date 22-06-2026 for no confidence motion meeting against

the petitioner without following the due procedure of law and also without considering the objection raised by the petitioner.

10.2 Issue an appropriate writ, order or direction directing Respondent No.2 (Collector, Bilaspur) to first adjudicate and decide the petitioner's, detailed objection dated 12.06.2026 (Annexure P/1) regarding alleged forged and fabricated signatures of elected members and alleged illegality in initiation of no-confidence proceedings, strictly in accordance with law, before proceeding any further in the matter.

10.3 Issue an appropriate writ, order or direction restraining the respondents from proceeding further with the proposed no-confidence meeting scheduled for 22.06.2026, or from taking any coercive steps pursuant to the impugned order dated 12.06.2026, until final adjudication of the present writ petition.

10.4 Issue an appropriate writ, order or direction declaring that the notice dated 08.06.2026 submitted under Rule 3(1) of the 1994 Rules is not admissible in law unless and until compliance of mandatory requirements under Rule 3(3) of the said Rules and Section 28(3) of the Act is properly established and recorded by the Prescribed Authority.

10.5 Grant any other relief, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.

3. Learned counsel for the petitioner submits that the petitioner is a duly elected President of Janpad Panchayat, Kota, District Bilaspur, having assumed office in accordance with the provisions of the Act, 1993 and the Rules framed thereunder. The petitioner has been discharging her statutory functions and responsibilities in accordance with law and continues to enjoy the democratic mandate conferred upon her by the elected representatives of the Janpad Panchayat. It is submitted that the democratic tenure of an elected office-bearer cannot be curtailed except through strict adherence to the procedure prescribed by statute, and any deviation from the mandatory statutory requirements vitiates the entire proceedings. It is submitted that the present petition has been necessitated on account of the arbitrary, mechanical and jurisdictionally defective action of Respondent No.2 in proceeding with a no-confidence motion against the petitioner without first satisfying himself regarding the legality and admissibility of the notice dated 08.06.2026 submitted under Rule 3(1) of the Rules, 1994. Learned counsel submits that the very foundation of the proceedings is under serious cloud inasmuch as specific allegations were raised before the Collector that signatures of certain elected members shown as signatories to the notice were forged, fabricated and obtained without their voluntary consent.
4. Learned counsel submits that immediately upon obtaining knowledge of the initiation of no-confidence proceedings, the petitioner submitted a detailed objection before Respondent No.2

specifically pointing out that the signatures purportedly appearing in the notice in the names of Smt. Urmila Pradhan, Er. Manoj Maravi and Shri Raghbir Armo were not genuine and that the said members had neither voluntarily supported nor participated in the proposal seeking removal of the petitioner from office. It is contended that once such a serious objection touching the very maintainability of the notice was brought to the notice of the Prescribed Authority, it became incumbent upon him to undertake at least a prima facie verification regarding the authenticity of the signatures before proceeding further in the matter. He further submits that despite the gravity of the allegations involving forgery and fabrication of signatures of elected representatives, Respondent No.2 failed to conduct any inquiry whatsoever. No opportunity was afforded to the concerned members to verify their signatures, no factual verification was undertaken and no adjudicatory exercise was carried out. Instead, Respondent No.2 proceeded in a wholly mechanical manner and fixed the meeting for consideration of the no-confidence motion on 22.06.2026. It is argued that such action demonstrates complete non-application of mind and abdication of the statutory duty cast upon the Prescribed Authority under Rule 3(3) of the Rules, 1994.

5. Learned counsel further submits that Rule 3(3) of the Rules, 1994 is couched in mandatory terms and obligates the Prescribed Authority to satisfy himself regarding the admissibility of the notice before proceeding to convene a meeting. The expression "shall

satisfy himself" employed in Rule 3(3) is not an empty formality but a jurisdictional requirement. Unless such satisfaction is arrived at after due application of mind to all relevant facts and objections, the authority does not acquire jurisdiction to take the next step of fixing the meeting. The satisfaction contemplated by the Rule is a condition precedent and not a post facto exercise. It is submitted that the statutory obligation to satisfy oneself regarding admissibility necessarily includes an examination as to whether the notice has been signed by the minimum number of elected members prescribed under the proviso to Rule 3(1) of Rules, 1994. Where a specific allegation is raised that some of the signatories have never signed the notice and that their signatures have been forged, the authority cannot shut its eyes to such allegations and mechanically proceed on the assumption that the notice is valid. Such an approach defeats the very purpose of the statutory safeguard incorporated under Rule 3 of Rules, 1994.

6. Learned counsel submits that if the signatures of the members whose authenticity has been disputed are excluded from consideration, the statutory requirement of support by not less than one-third of the total elected members may not stand satisfied. Consequently, the very jurisdictional foundation for initiation of the no-confidence proceedings would cease to exist. Therefore, determination of the genuineness of the signatures is not a collateral issue but goes to the root of the matter and directly affects the competence of the proceedings themselves. It is

further submitted that Respondent No.2 has failed to record any satisfaction whatsoever regarding the admissibility of the notice as mandated under Rule 3(3) of Rules, 1994. The impugned order dated 12.06.2026 merely fixes the date of meeting and does not disclose any consideration of the petitioner's objections, any examination of the statutory requirements, or any reasoning indicating formation of satisfaction regarding maintainability of the motion. The impugned order is thus a non-speaking order passed in complete disregard of the statutory scheme governing no-confidence proceedings.

7. Learned counsel submits that the provisions relating to no-confidence motions must receive strict construction because they have the effect of prematurely terminating the tenure of a democratically elected office-bearer. While the right of elected members to move a no-confidence motion is undoubtedly recognized by law, the exercise of such right must strictly conform to the procedure prescribed by statute. Any departure from the mandatory requirements of the Act and Rules renders the proceedings vulnerable to judicial review. It is argued that Respondent No.2 has acted in excess of jurisdiction by proceeding to fix the meeting date without first deciding the petitioner's pending objections. Once objections affecting the validity of the notice itself were raised, the authority was under a legal obligation to consider and decide the same before taking any further steps. Proceeding with the meeting without such

adjudication amounts to prejudging the issue and renders the entire exercise arbitrary and legally unsustainable. It is further submitted that the impugned action violates the principles of natural justice. The petitioner has been denied a meaningful opportunity to have her objections considered by the competent authority. The right to raise objections against the validity of the initiation of proceedings would become illusory if the authority is permitted to ignore such objections and proceed directly to convene the meeting. The failure to decide the objections has caused serious prejudice to the petitioner and has deprived her of the statutory safeguards available under the law.

- 8.** Learned counsel further submitted that the impugned proceedings suffer from manifest arbitrariness and are liable to be struck down under Article 14 of the Constitution of India. The Collector was expected to act as a statutory authority exercising quasi-judicial functions requiring due application of mind. However, the manner in which the impugned order has been passed demonstrates that the authority treated the scrutiny contemplated under Rule 3(3) as a mere ritualistic formality rather than a substantive safeguard intended to protect the sanctity of democratic institutions. It is also argued that the continuation of the proceedings despite the pendency of serious objections relating to forged signatures would result in irreversible consequences. Once the meeting is convened and the motion is put to vote, the petitioner would suffer grave and irreparable prejudice, even though the very initiation of

the proceedings may ultimately be found to be illegal. Therefore, judicial intervention at this stage is not only permissible but necessary to prevent abuse of the statutory process.

- 9.** In view of the aforesaid facts and circumstances, learned counsel for the petitioner submits that the notice dated 08.06.2026 and the consequential order dated 12.06.2026 are vitiated by non-application of mind, failure to exercise jurisdiction vested by law, violation of Rule 3(3) of the Rules of 1994, breach of principles of natural justice and arbitrariness. It is therefore prayed that this Court may be quashed the impugned proceedings and the order dated 12.06.2026 fixing the no-confidence meeting, and further direct Respondent No.2 to first decide the petitioner's objections regarding the genuineness of the signatures and admissibility of the notice in accordance with law before taking any further steps in the matter.
- 10.** On 19.06.2026, when the matter was taken up for consideration, this Court, considering the nature of controversy involved and the allegations made by the petitioner regarding the validity of the no-confidence proceedings, directed the concerned Sub-Divisional Officer to remain personally present before this Court on the next date of hearing.
- 11.** In compliance with the aforesaid order, Mr. Nitin Tiwari, Sub-Divisional Officer (Revenue), Takhatpur, and Mr. Pravesh Paikra, Sub-Divisional Officer (Revenue), Kota, are present before this

Court today. Their presence has been secured for assisting the Court with regard to the records and proceedings pertaining to the impugned no-confidence motion and the action taken by the Prescribed Authority pursuant thereto.

- 12.** Per contra, learned State counsel appearing for Respondent Nos.1 and 2 submits that the present writ petition is wholly misconceived and premature and deserves to be dismissed at the threshold. He submits that the proceedings for consideration of the no-confidence motion have been initiated strictly in accordance with the provisions contained in Section 28 of the Act, 1993 read with Rules, 1994. It is submitted that upon receipt of the notice dated 08.06.2026 signed by the requisite number of elected members of Janpad Panchayat, Kota, Respondent No.2, being the Prescribed Authority, duly registered the proceedings and initiated scrutiny in accordance with law. He would draw attention of this Court to the original records produced before the Court and submit that immediately after receipt of the notice on 08.06.2026, the Collector called for a clause-wise report from the Chief Executive Officer, Janpad Panchayat, Kota regarding the statutory requirements contemplated under Section 28(3) of the Act, 1993, namely: (i) whether the requisite period from assumption of office had elapsed; (ii) whether any previous no-confidence motion had been moved and rejected within the preceding year; and (iii) whether the remaining tenure of the office was less than six months. Such exercise clearly demonstrates

due application of mind and compliance with Rule 3(3) of the Rules, 1994. It is further submitted that on 12.06.2026, before passing the order fixing the date of meeting, all ten elected members who had signed the requisition for moving the no-confidence motion, namely members representing Area Nos. 6, 7, 8, 9, 12, 14, 16, 17, 19 and 25, personally appeared before the Prescribed Authority. The Chief Executive Officer, Janpad Panchayat, Kota also remained present. The order-sheet dated 12.06.2026 specifically records that the signatory members informed the Prescribed Authority that the notice had been submitted with their free consent and that the signatures appearing on the notice were verified and confirmed by them. Therefore, the allegation raised by the petitioner regarding forged or fabricated signatures stands completely belied by the contemporaneous official record.

- 13.** Learned State counsel submits that once all the signatories personally appeared before the Prescribed Authority and affirmed their signatures and support to the motion, no further inquiry was warranted. The authority was fully satisfied regarding the authenticity of the signatures and the validity of the requisition notice. Consequently, the statutory requirement of satisfaction under Rule 3(3) of the Rules, 1994 stood duly complied with before the date of meeting was fixed. It is submitted that the record further reveals that after obtaining the necessary report and verification, the Prescribed Authority proceeded to appoint a

Presiding Officer in terms of Rule 4 of the Rules of 1994 and appointed Shri Nitin Tiwari, Deputy Collector-cum-Sub-Divisional Officer (Revenue), Takhatpur, to preside over the meeting convened for consideration of the no-confidence motion. Simultaneously, notices were directed to be issued to all twenty-five elected members of the Janpad Panchayat informing them about the date, time and place of the meeting scheduled on 22.06.2026. The Chief Executive Officer was directed to ensure service of notices and furnish acknowledgements before the authority. Thus, every procedural safeguard contemplated under the Rules has been complied with.

- 14.** Learned State counsel further submits that the petitioner's contention that the Collector failed to examine admissibility of the notice is factually incorrect and contrary to the official record. The note-sheet and proceedings demonstrate that the authority consciously examined the statutory requirements, called for reports, secured the presence of the signatory members, verified their signatures and thereafter fixed the date of meeting. The impugned action therefore cannot be characterized as mechanical or without application of mind. It is also submitted that a no-confidence motion is fundamentally a matter concerning the democratic will and confidence of elected representatives. The Court ought not to interfere with the democratic process at an intermediary stage unless there is a patent lack of jurisdiction or violation of a mandatory statutory provision. In the present case,

the statutory procedure has been substantially and fully complied with and therefore no interference under Article 226 of the Constitution is warranted. He also submits that the allegations of forgery made by the petitioner are bald, unsubstantiated and have been raised only to stall the democratic process. The very members whose signatures were disputed appeared before the Prescribed Authority and affirmed the genuineness of their signatures and support to the motion. Once such verification has been recorded in official proceedings, the petitioner cannot seek to frustrate the statutory process on the basis of mere allegations unsupported by any cogent material. It is therefore submitted that Respondent No.2 acted strictly within the bounds of statutory authority and after recording due satisfaction regarding admissibility of the notice. The appointment of the Presiding Officer, issuance of notices to all members and fixation of the meeting for 22.06.2026 were all consequential actions taken in accordance with Section 28 of the Act, 1993 and Rules 3 and 4 of the Rules, 1994. As such, the writ petition being devoid of merit deserves to be dismissed.

- 15.** At the outset, learned counsel appearing for caveator/respondent Nos.9 and 14 vehemently opposed the writ petition and submitted that the petition has been instituted with the sole object of thwarting and delaying a democratically initiated no-confidence motion. It is submitted that the requisite number of elected members have voluntarily expressed loss of confidence in the

petitioner and have initiated the statutory process strictly in accordance with law. Learned counsel would submit that all the signatory members appeared before the Prescribed Authority and affirmed their signatures as well as their intention to move the motion. Therefore, the allegations of forged signatures are wholly baseless, afterthoughts and have been raised only to create a ground for judicial intervention. It is further submitted that once the statutory requirements under Section 28 of the Act, 1993 and Rule 3 of the Rules, 1994 stood satisfied, the democratic process ought not to be interdicted by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. Learned counsel accordingly prayed for dismissal of the writ petition with costs.

- 16.** I have heard learned counsel for the respective parties at length and also perused the documents annexed to the writ petition.
- 17.** Before advertng to the statutory scheme governing no-confidence motions under the Act, 1993 and the Rules, 1994, it would be apposite to notice the nature of challenge involved in the present writ petition. The petitioner has called in question the notice dated 08.06.2026 submitted under Rule 3(1) of the Chhattisgarh Panchayat (Sarpanch/Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Viruddh Avishwas Prastav) Rules, 1994 and the consequential order dated 12.06.2026 passed by the Prescribed Authority fixing 22.06.2026

as the date for consideration of the no-confidence motion against the petitioner, who is the elected President of Janpad Panchayat, Kota. A motion of no-confidence against Sarpanch and Up-Sarpanch can only be passed in accordance with the provision of Section 21 of the Act, 1993, 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:"

- 18.** A careful perusal of sub-section (3) of Section 28 of the Act, 1993 would reveal that the Legislature has consciously incorporated certain statutory restrictions on the initiation of a no-confidence motion against the President or Vice-President of a Janpad Panchayat. The said provision places an embargo on the moving of a no-confidence motion within one year from the date of assumption of office, within six months preceding expiry of the tenure, and within one year from the rejection of an earlier no-confidence motion.
- 19.** The object behind incorporating such restrictions is to ensure stability in the functioning of local self-government institutions and to prevent frivolous or repeated attempts to unsettle a democratically elected office-bearer. It is for this reason that Rule 3(3) of the Rules, 1994 obligates the Prescribed Authority to satisfy himself regarding the admissibility of the notice with reference to Section 28(3) before proceeding further. The legality of the impugned action, therefore, is required to be examined in the light of the statutory scheme contained in Section 28 of the Act, 1993 and the Rules framed thereunder.

20. Since the petitioner is holding the office of President, Janpad Panchayat, Kota, the controversy in the present case is governed by the provisions contained in Section 28 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, which deals with a motion of no-confidence against the President or Vice-President of a Janpad Panchayat. The legality of the impugned proceedings, therefore, has to be examined in the backdrop of the said provision and the Rules framed thereunder. Section 28 of the Act, 1993, being relevant for adjudication of the present dispute, is reproduced hereinbelow:-

"28. No-confidence motion against President or Vice-President.— (1) On a motion of no-confidence being passed by Janpad Panchayat by resolution passed by a majority of not less than three-fourth of the elected members present and voting and such majority is more than two-third of the total number of elected members constituting the Janpad Panchayat for the time being, the President or the Vice-President against whom such resolution is passed shall cease to hold office forthwith.

(2) Notwithstanding anything contained in this Act or the Rules made thereunder, a President or a Vice-President shall not preside over a meeting in which a motion of no-confidence is discussed 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 President or the Vice-President, 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 President or Vice-President within a period of—

(i) one year from the date on which the President or Vice-President enters upon his office;

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

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

(4) If the President or the Vice-President, as the case may be, desires to challenge the validity of the motion carried under sub-section (1), he shall, within ten days from the date on which such motion was carried, refer the dispute to the Director, Panchayat, who shall decide it, as far as possible, within thirty days from the date on which it was received by him and his decision shall be final."

- 21.** A careful perusal of Section 28 of the Act, 1993 would show that while the statute recognizes the democratic right of elected members to express lack of confidence in the President or Vice-President of a Janpad Panchayat, it simultaneously incorporates certain procedural safeguards and statutory restrictions governing initiation and consideration of such motion. The validity of the

impugned proceedings, therefore, has to be tested on the touchstone of the requirements contained in Section 28 of the Act, 1993 read with Rules 3 and 4 of the Rules, 1994.

22. 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."

- 23.** Reverting to the facts of the present case, this Court finds from the original record produced by the respondents that the notice under Rule 3(1) of the Rules, 1994 was submitted before the Prescribed Authority on 08.06.2026 by ten elected members of Janpad Panchayat, Kota seeking to move a no-confidence motion against the petitioner. The record further reveals that immediately

upon receipt of the said notice, the Prescribed Authority registered the proceedings and called for a clause-wise report regarding the statutory requirements contemplated under Section 28(3) of the Act, 1993. Thereafter, on 12.06.2026, the signatory members personally appeared before the Prescribed Authority and affirmed both the notice and the signatures appended thereon. The proceedings dated 12.06.2026 specifically record the presence of all ten signatory members as well as the Chief Executive Officer, Janpad Panchayat, Kota. Upon being satisfied regarding the admissibility of the notice, the Prescribed Authority fixed 22.06.2026 at 12:00 noon as the date and time for convening the meeting and issued consequential directions in accordance with law. Thus, the material available on record clearly demonstrates compliance with the requirements contemplated under Rule 3(3) of the Rules, 1994.

- 24.** So far as the principal contention of the petitioner regarding forged and fabricated signatures is concerned, the same does not merit acceptance in the facts of the present case. The original order-sheet dated 12.06.2026 unequivocally records that all the signatory members who had submitted the notice of no-confidence motion remained present before the Prescribed Authority and confirmed the genuineness of their signatures as well as their intention to move the motion. Once the very members whose signatures were disputed personally appeared before the competent authority and verified the same, the

Prescribed Authority cannot be faulted for proceeding further with the statutory process. In the considered opinion of this Court, the allegation of forgery stood sufficiently addressed at the stage of scrutiny undertaken by the Prescribed Authority and no further adjudicatory exercise was required before fixing the date of meeting.

- 25.** This Court also finds that the notice of no-confidence motion satisfies the statutory requirement prescribed under the proviso to Rule 3(1) of the Rules, 1994. The record reflects that the notice was signed by ten elected members of Janpad Panchayat, Kota. Considering the total strength of twenty-five elected members, the requirement of support by not less than one-third of the elected members stood duly fulfilled. Apart from making bald allegations, the petitioner has not placed any cogent material before this Court to dislodge the official proceedings recording verification of signatures by the signatory members themselves. Consequently, the challenge to the very initiation of the no-confidence proceedings cannot be sustained.
- 26.** Equally significant is the fact that after recording satisfaction regarding admissibility of the notice, the Prescribed Authority proceeded to comply with all consequential statutory requirements. Notices were directed to be issued to all twenty-five elected members informing them about the date, time and venue of the meeting. Shri Nitin Tiwari, Deputy Collector-cum-Sub-

Divisional Officer (Revenue), Takhatpur, was appointed as the Presiding Officer under Rule 4 of the Rules, 1994 for conducting the proceedings of the no-confidence motion. The meeting was fixed for 22.06.2026 at 12:00 noon in the Meeting Hall of Janpad Panchayat, Kota. The records thus disclose due compliance with the statutory procedure prescribed under Section 28 of the Act, 1993 and Rules 3 and 4 of the Rules, 1994.

- 27.** From a cumulative consideration of the pleadings of the parties, the original records produced before this Court and the statutory provisions governing the field, this Court is satisfied that the Prescribed Authority has acted strictly within the four corners of the Act, 1993 and the Rules, 1994. The records unmistakably reveal that the notice under Rule 3(1) of the Rules, 1994 was submitted on 08.06.2026 by ten elected members of Janpad Panchayat, Kota and, upon receipt thereof, the Prescribed Authority called for the requisite report regarding the statutory requirements contemplated under Section 28(3) of the Act, 1993.
- 28.** The proceedings dated 12.06.2026 further demonstrate that all the signatory members personally appeared before the Prescribed Authority and verified their signatures as well as their intention to move the no-confidence motion against the petitioner. Thus, the allegation that the proceedings were initiated on the basis of forged or fabricated signatures is not borne out from the official record. On the contrary, the contemporaneous proceedings

clearly establish due verification of the requisition notice by the signatories themselves.

- 29.** This Court further finds that after recording satisfaction regarding the admissibility of the notice, the Prescribed Authority proceeded in accordance with Rule 3 and Rule 4 of the Rules, 1994 by fixing the meeting for consideration of the no-confidence motion on 22.06.2026 at 12:00 noon in the Meeting Hall of Janpad Panchayat, Kota. The record further discloses that notices were directed to be served upon all twenty-five elected members of the Janpad Panchayat, including the petitioner, on 12.06.2026. Simultaneously, Shri Nitin Tiwari, Deputy Collector-cum-Sub-Divisional Officer (Revenue), Takhatpur, was duly appointed as the Presiding Officer for conducting the meeting in accordance with law. The procedural steps undertaken by the Prescribed Authority thus clearly indicate due compliance with the statutory requirements governing the initiation and conduct of a no-confidence motion against the President of a Janpad Panchayat.
- 30.** In view of the aforesaid discussion, this Court is of the considered opinion that the entire process leading to the convening of the meeting for consideration of the no-confidence motion has been undertaken in accordance with the provisions of Section 28 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 and Rules 3 and 4 of the Rules, 1994. No procedural irregularity, jurisdictional error, violation of any mandatory statutory provision, or arbitrariness has

been demonstrated so as to warrant interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India. Consequently, this Court finds no illegality in the proceedings initiated pursuant to the notice dated 08.06.2026 or in the order dated 12.06.2026 passed by Respondent No.2 fixing the date of the meeting for consideration of the no-confidence motion.

31. Accordingly, the writ petition, being devoid of merit, deserves to be and is hereby **dismissed**.
32. There shall be no order as to costs.
33. Pending interlocutory applications, if any, shall also stand disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge