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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5047 of 2026

1 - Smt. Manisha Raj Chouhan W/o Mehul Chouhan, Aged About 24 Years
Elected Sarpanch, Gram Panchayat Siriyagarh, Janpad Panchayat Dabhara,
District Sakti 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 Sakti C.G.

3 - Sub Divisional Officer (R) Cum Prescribed Authority (Panchayat) Dabhara
Lohara, District Balod C.G.

4 - Chief Executive Officer, Janpad Panchayat, Dabhara, District Sakti C.G.

5 - Shiv Shankar Nayak, S/o Kartikram, Aged About 27 Years Panch Ward
No. 11,

6 - Smt. Kumari Sidar, W/o Shrichand Sidar, Aged About 37 Years Panch
Ward No. 12,

7 - Smt. Anjali Sidar, W/o Ranjit Sidar, Aged About 39 Years Panch Ward No.
13,

8 - Sushila Sidar, W/o Rameshwar Sidar, Aged About 30 Years Panch Ward
No. 10,

9 - Smt. Seema Mali, W/o Dilip Mali, Aged About 33 Years Panch Ward No.
04,

10 - Smt. Gyanbai Sidar, W/o Manbodh Sidar, Aged About 49 Years Panch
Ward No. 02,

11 - Nauratan Sidar, S/o Dashrath Sidar, Aged About 37 Years Panch Ward
No. 08,

12 - Surendra Sidar, S/o Babulal Sidar, Aged About 37 Years Panch Ward No. 09,

13 - Smt. Ganeshi Bai, W/o Manoj Chauhan, Aged About 36 Years Panch Ward No. 07,

Respondents No.5 to 13 are R/o Gram Siriyagarh, Janpad Panchayat And Tahsil Dabhara, District Sakti C.G.

... Respondents

For Petitioner	:	Mr. T.K. Jha, Senior Advocate along with Mr. Tapan Kumar Chandra, Advocate
For State	:	Mr. Shobhit Mishra, Deputy GA

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

01/10/2026

1. The petitioner, in this Writ Petition, has prayed for the following reliefs:

“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 21.09.2026 (received on 24.09.2026) (ANNEXURE P/1), 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. Facts of the case in brief are that the petitioner was directly elected as Sarpanch of Gram Panchayat Siriyagarh, Janpad Panchayat Dabhara, District Sakti (C.G.). The SDO (Revenue)/Prescribed Authority issued a notice dated 21.09.2026 under Rule 3(3) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, proposing a meeting for consideration of the no-confidence motion against the petitioner, which was received by the petitioner on 24.09.2026. The meeting was scheduled to be held

on 01.10.2026 at 12:00 noon at the Panchayat Building, Gram Panchayat Siriyagarh. No supporting documents were supplied along with the notice. Nine Panchas had submitted an application for moving the no-confidence motion on 17.09.2026, pursuant to which the Prescribed Authority sought the relevant documents from the Chief Executive Officer, Janpad Panchayat Dabhara. Hence, this petition.

3. Learned counsel for the petitioner submits that the impugned notice convening the meeting for consideration of the no-confidence motion has been issued without awaiting the report from the concerned Chief Executive Officer, Janpad Panchayat, and is, therefore, illegal. He further submits that the prescribed authority has not supplied any document relating to the no-confidence motion to the petitioner and, therefore, the impugned notice is illegal. He also submits that there is no clear period of seven days between the date of receipt of the notice, i.e., 24.09.2026, and the date fixed for the meeting, i.e., 01.10.2026, and, therefore, the same is violative of the scheme of the Chhattisgarh Panchayati Raj Adhiniyam, 1993. He further submits that the petitioner is seven months pregnant and, at this stage, the proceedings relating to the no-confidence motion are likely to adversely affect the health of the petitioner and her unborn child. In support of the same, a copy of the Matru Avam Bal Suraksha Card has been filed as Annexure P/4. He further submits that the no-confidence motion has been moved on false allegations which do not constitute any serious misconduct and has been initiated with a mala fide intention. He also places reliance upon the judgment in the matter of **Jagdish Prasad Bhunjwa v. The State of Madhya Pradesh** and Others, (AIR 1997 MP 184).

4. Learned State counsel opposes the submissions advanced by learned counsel for the petitioner and submits that the impugned notice has been issued in accordance with law unless and until the petitioner show any prejudice which would be caused to the petitioner, the notice of no confidence motion cannot be quashed. Even otherwise also the notice of no confidence motion has been issued in accordance with law while giving seven days clear time and as such there is no statutory violation of acts or rules. From the perusal of the documents, it appears that the concerned members of the Gram Panchayat/ Panchas have filed an appropriate application before the concerned SDO (Revenue)/prescribed authority stating that they have lost confidence in the work of the Sarpanch and as such, they have sent a proposal for removal of Sarpanch from her post. Along with the said application they have also filed their affidavits stating that the petitioner Sarpanch has misappropriated funds of Rs.10 lakhs, Rs.75,564/-, Rs.25,750/- Rs.1,91,600/- and the work in respect of the aforesaid has not been completed till date while considering the aforesaid aspects of the matter, the concerned SDO (Revenue)/presecrbed authority has initiated a proceedings and upon verification, he found that there are ample reasons to initiate proceedings for no confidence motion and after due verification he has appointed the respective officers and has issued notices to the concerned Sarpanch as well as the other authority on 21.09.2026 and the meeting was scheduled on 01.10.2026 at 12 pm as such there is no illegality.
5. I have heard_learned counsel for the parties and perused the material available on the record.

6. This Court in the matter of **Smt. Janki Sahu vs. State of Chhattisgarh** in WPC No.2757 of 2021, decided on 25.07.2023 has observed in paragraph Nos.11 to 17 as under;-

“11. With respect to other grounds raised by learned counsel for petitioner that S.D.O. has got the signature of Panchas who submitted application for convening no confidence motion through Chief Executive Officer is in violation of Rule 3 (2) and 3 of the Rules of 1994. Perusal of Rule 3 (3) of the Rules of 1994 would show that requirement under the said rules is only that Prescribed Authority has to satisfy himself about the admissibility of the notice with reference to Section 21 (3) of the Act of 1993. Section 21 (3) of the Act of 1993 is extracted below for ready reference :-

*“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 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 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 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.

(4) If the Sarpanch or the Up-Sarpanch, as the case may be, desires to challenge the validity of the motion carried out under sub-section (1), he shall, within seven days from the date on which such motion was carried, refer the dispute to the Collector 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.”

12. *Challenge to the proceedings of no confidence motion is not on the ground that it was convened contrary to the provisions as mentioned under Section 21 (3) of the Act of 1993. In the Case at hand, the Prescribed Authority for his satisfaction have got the signatures of the Panchas in the application placed before him verified. After satisfying, he proceeded for convening the no confidence motion. There is no specific provision in this regard and therefore, once the Prescribed Authority recorded his satisfaction that the application is in accordance with the provisions under Section 21 of the Act of 1993, the submission of learned counsel for petitioner that entire proceedings is vitiated as Prescribed Authority has not verified the signatures himself is also not sustainable.*

13. *The petitioner in this writ petition has not pleaded that she suffered serious prejudice at any stage of*

proceeding. In absence of any serious prejudice shown, pleaded, no confidence motion carried out by majority can not be interfered with. In democratic system when majority of elected Panchas have posed no confidence motion on petitioner. Provision under Section 21 of the Act of 1993 and the Rules of 1994 only provides that no confidence motion can be requested before the Prescribed Authority and it has to be convened in accordance with the Rules of 1994 subject to application is not falling within the Sub-Section 3 of Section 21 of the Act of 1993.

14. In case of *Bhulin Dewangan vs State of MP & Others {2000 (4) MPHT 69}*, Full Bench of High Court of Madhya Pradesh considered the non-compliance of the Rules of 1994 and observed thus :-

*“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.

15. In case of *Sahasram Jangde & Ors vs. State of Chhattisgarh & Others* {2013 (4) CGLJ 526}, this Court observed 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 Vs. Dhannalal Maravi and others : 2003 (4) MPLJ 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 dt. 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."

16. In the aforementioned decision, the Court have held that every non-compliance of mandatory provisions need not necessarily resulted nullification of the whole action and in the given situation of non-fulfillment of the mandatory provisions the authority empowered to take decision may refuse to nullify the action on the ground that no substantial prejudice has been caused to the party affected.

17. In absence of raising any specific grounds that members against whom no confidence motion is carried stating that she suffered grave prejudice in the procedure adopted for convening the no confidence meeting no such finding can be recorded.

7. The Hon'ble Supreme Court in the matter of **K Umadevi vs. Government of Tamil Nadu and Others** reported in {**2025 (8) SCC 263** } held in paragraph 27 to 29 which reads as under:-

“ 27. Article 21 of the Constitution of India though at first blush appears to be a colourless article, it is a potent provision pregnant with wide width and scope having received extensive and liberal construction at the hands of this Court.

28. Article 21 reads thus:

“21. Protection of life and personal liberty.— No person shall be deprived of his life or personal liberty except according to procedure established by law.”

29. By judicial interpretation, it has been held that life under Article 21 means life in its fullest sense; all that which makes life more meaningful, worth living like a human being. Right to life includes all the finer graces of human civilisation, thus rendering this fundamental right a repository of various human rights. Right to life also includes the right to health. Right to live with human dignity and the right to privacy are now acknowledged facets of Article 21.

8. Further, the Hon'ble Supreme Court in the matter of **Manisha Ravindra Panpatil vs. State of Maharashtra and Others** reported in {2024 SCC OnLine SC 2690} held in paragraph Nos.8 to 10 as under:-

8. At this juncture, we would like to note that the vagaries of the present factual matrix is far from unique and is unfortunately somewhat of a norm. While there is no doubt in our mind that the private respondents may have operated in a discriminatory manner, what is more worrying is the casual approach adopted by government authorities in summarily removing an elected representative. This is all the more concerning when the representative in question is a woman and elected in the reservation quota, thereby indicating a

systemic pattern of prejudicial treatment, permeating through all levels of administrative functioning.

9. This scenario gets further exacerbated when we as a country are attempting realize the progressive goal of gender parity and women empowerment across all spheres, including public offices and most importantly adequate women representative in the elected bodies, such instances at the grass-root level cast a heavy shadow on any headway that we may have achieved.

10. That being said and having regard to the facts and circumstances of the case at hand, we see no credible and convincing material on record to substantiate the private respondents' allegations of encroachment of government land by the appellant before or post her election as Sarpanch. All that we would like to reiterate is that the matter of removal of an elected public representative should not be treated so lightly, especially when it concerns women belonging to rural areas. It must be acknowledged that these women who succeed in occupying such public offices, do so only after significant struggle.

9. The Hon'ble Surpreme Court in the matter of **Hamsaanandini Nanduri vs. Union of India and Others** reported in {2026 SCC OnLine SC 402} held in paragraphs 21 to 24 and 109 as under:-

21. The protection of maternity leave is a basic human right, as it recognizes conditions that are necessary for the full development of human personality and realization of equality. It embodies an essential component required to promote equality at workplace and safeguards maternal and child health. In other words, it dignifies motherhood.

22. Maternity benefit or the payment in lieu of such leave is intended to support women during the phase of early motherhood by providing economic security when they are most engaged in the care and nurture of a young child. This act of support recognizes that motherhood entails sustained physical, emotional, and social exertion which demands time, financial stability and resources.

23. The concept of maternity benefit acknowledges the ability of a woman to exercise her reproductive choices without fear of losing her employment, more particularly, the economic security. Thus, it ensures that motherhood does not become a factor for exclusion at workplace.

24. In the aforesaid context, the right of maternity protection recognizes the biological as well as caregiving realities associated with motherhood, and seeks to correct structural inequalities that women face in employment. It represents the State's commitment to uphold human dignity, equal treatment at work, and broader ideals of social justice.

109. A three Judge Bench of this Court in *Suchita Srivastava v. Chandigarh Admn.*, reported in **(2009) 9 SCC 1 : (2009) 3 SCC (Civ) 570**, affirmed the reproductive rights of the appellant-victim, who was allegedly raped while staying in a Government-run welfare institution, when she expressed her willingness to carry the pregnancy till its full term despite being diagnosed with mild mental retardation.

The Court declined to discount her decision on the ground that it was “questionable” and instead looked beyond prevailing social prejudices to accord primacy to her right to make reproductive choices under Article 21. The Court held that the Medical Termination of Pregnancy Act, 1971, recognizes and respects the

personal autonomy of a woman in matters relating to reproduction. The Court further directed the respondents to ensure that adequate medical facilities were provided so as to safeguard her health and well-being during the course of the pregnancy. The relevant observations read thus:—

“22. There is no doubt that a woman's right to make reproductive choices is also a dimension of “personal liberty” as understood under Article 21 of the Constitution of India. It is important to recognise that reproductive choices can be exercised to procreate as well as to abstain from procreating. The crucial consideration is that a woman's right to privacy, dignity and bodily integrity should be respected. This means that there should be no restriction whatsoever on the exercise of reproductive choices such as a woman's right to refuse participation in sexual activity or alternatively the insistence on use of contraceptive methods. Furthermore, women are also free to choose birth control methods such as undergoing sterilisation procedures. Taken to their logical conclusion, reproductive rights include a woman's entitlement to carry a pregnancy to its full term, to give birth and to subsequently raise children. However, in the case of pregnant women there is also a “compelling State interest” in protecting the life of the prospective child. Therefore, the termination of a pregnancy is only permitted when the conditions specified in the applicable statute have been fulfilled. Hence, the provisions of the MTP Act, 1971 can also be viewed as reasonable restrictions that have been placed on the exercise of reproductive choices.

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59. Lastly, we have urged the need to look beyond social prejudices in order to objectively decide whether

a person who is in a condition of mild mental retardation can perform parental responsibilities.

60. The findings recorded by the expert body which had examined the victim indicate that the continuation of the pregnancy does not pose any grave risk to the physical or mental health of the victim and that there is no indication that the prospective child is likely to suffer from a congenital disorder. However, concerns have been expressed about the victim's mental capacity to cope with the demands of carrying the pregnancy to its full term, the act of delivering a child and subsequent childcare. In this regard, we direct that the best medical facilities be made available so as to ensure proper care and supervision during the period of pregnancy as well as for post-natal care."

(Emphasis supplied)

10. The Honble Supreme Court in the matter of **Sonam Lakra vs. State of Chhattisgarh and Others in Civil Appeal No.12326 of 2024**

decided on 14.11.2024 held in paragraph Nos.14 and 15 as under:-

14. It deeply concerns us that there is a recurring pattern of similar cases, where administrative authorities and village panchayat members collude to exact vendettas against female Sarpanches. Such instances highlight a systemic issue of prejudice and discrimination. More recently, in Civil Appeal No. 10913/2024, titled 'Manisha Ravindra Panpatil v. The State of Maharashtra', decided on 27.09.2024, we observed that cases involving female Sarpanches often reveal a pervasive pattern of unfair treatment across various levels of administrative functioning. Alarming, the removal of an elected female representative, especially in rural and remote areas, is frequently

treated as a casual matter, wherein disregarding principles of natural justice and democratic processes is treated as a time-honored tradition. This entrenched bias is particularly disheartening and demands serious introspection and reform.

15. In this context, we must emphasize that as a nation striving to become an economic powerhouse, it is distressing to witness such incidents occurring consistently and being normalized, so much so that they bear striking similarities even in geographically distant regions. Administrative authorities being custodians of actual powers and affluent enough, should lead by example, making efforts to promote women's empowerment and support female-led initiatives in rural and remote areas. Instead of adopting regressive attitudes that discourage women in elected positions, they must foster an environment that encourages their participation and leadership in governance.

11. From the perusal of the record, it appears that the proceedings for consideration of the no-confidence motion against the petitioner, who is the directly elected Sarpanch of Gram Panchayat Siriyagarh, Janpad Panchayat Dabhara, District Sakti, were initiated on the basis of an application submitted by nine Panchas on 17.09.2026 before the SDO (Revenue)/Prescribed Authority. The said Panchas have alleged loss of confidence in the petitioner and have sought initiation of proceedings for her removal from the office of Sarpanch. It further appears that the Prescribed Authority, thereafter, called for the relevant record from the Chief Executive Officer, Janpad Panchayat Dabhara and, without awaiting the said record/report, issued the impugned notice dated 21.09.2026, fixing 01.10.2026 at 12:00 noon for consideration of the

no-confidence motion. The petitioner admittedly received the said notice on 24.09.2026.

12. The first contention raised by learned counsel for the petitioner is that the impugned notice has been issued without awaiting the report/documents called for from the Chief Executive Officer, Janpad Panchayat Dabhara. However, from the scheme of Section 21 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 and Rule 3 of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch Ke Viruddh Avishwas Prastav) Rules, 1994, it is apparent that the Prescribed Authority is required to satisfy itself regarding the admissibility of the notice and thereafter proceed in accordance with the prescribed procedure. The mere fact that the Prescribed Authority had called for certain documents from the Chief Executive Officer would not, by itself, render the subsequent proceedings void unless the petitioner demonstrates that such course of action has resulted in violation of any mandatory statutory requirement or has caused substantial prejudice to her.
13. In the present case, however, the petitioner has specifically pleaded that no supporting material or documents forming the basis of the no-confidence motion were supplied to her along with the impugned notice. The allegations made by the Panchas are stated to relate, inter alia, to alleged misappropriation of substantial amounts and non-completion of certain works. When such allegations form part of the material relied upon for initiating the proceedings, the question whether the petitioner was afforded a meaningful opportunity to know and meet the allegations against her assumes significance. The principles of

fairness and natural justice require that the affected elected representative should have reasonable knowledge of the material relied upon against her so as to enable her to effectively participate in the proceedings.

14. It is true that, as held by the Full Bench of the Madhya Pradesh High Court in Bhulin Dewangan (supra), every infraction of the Rules relating to a no-confidence motion would not automatically result in nullification of the entire proceedings and the Court is required to examine whether the alleged non-compliance has caused substantial prejudice or failure of justice. The said principle has also been noticed and followed by this Court in Smt. Janki Sahu (supra) and Sahasram Jangde (supra). Thus, the question is not merely whether there has been a technical deviation, but whether the procedure adopted has materially affected the right of the petitioner to participate effectively in the proceedings.
15. In the present case, the petitioner has also raised a specific objection with regard to the period of notice. The impugned notice is dated 21.09.2026 and was received by the petitioner on 24.09.2026, whereas the meeting for consideration of the no-confidence motion was fixed on 01.10.2026 at 12:00 noon. Therefore, the petitioner had a period of only seven calendar days from the date of actual receipt of the notice to the date fixed for the meeting. The question whether the statutory requirement of seven days' notice has been complied with has to be examined with reference to the date of service/receipt of the notice and the applicable statutory provision, particularly when the petitioner specifically asserts that she did not have seven clear days' effective notice to prepare herself for the proceedings.

16. At this stage, this Court is also required to consider the peculiar circumstance pleaded by the petitioner regarding her pregnancy. The petitioner has placed on record her Matru Avam Bal Suraksha Card as Annexure P/4 and has specifically stated that she is presently carrying a pregnancy of about seven months. The said fact has not been specifically disputed by the respondents. The petitioner has contended that compelling her to participate in proceedings relating to the no-confidence motion at this advanced stage of pregnancy would adversely affect her health and the health of the unborn child. The right to health has been recognised as an integral facet of the right to life guaranteed under Article 21 of the Constitution of India. The Hon'ble Supreme Court in *K. Umadevi (supra)*, while considering the scope of Article 21, has reiterated that the right to life includes the right to health and the right to live with human dignity. Likewise, in *Hamsaanandini Nanduri (supra)*, the Hon'ble Supreme Court has emphasised the constitutional significance of maternity protection, maternal health and the dignity associated with motherhood. It is also relevant to take note of the observations of the Hon'ble Supreme Court in *Manisha Ravindra Panpatil (supra)*, and *Sonam Lakra (supra)*, wherein the Court has emphasised that the removal of an elected female representative, particularly in rural areas, cannot be dealt with casually and that principles of fairness, natural justice and democratic functioning are required to be duly respected.
17. At the same time, this Court is conscious of the fact that the right of the elected Panchas to move a no-confidence motion is also a statutory and democratic right and the Court cannot interdict such proceedings merely because the elected Sarpanch is facing inconvenience. The

authorities are required to balance both aspects, namely, the statutory right of the Panchas to seek consideration of a no-confidence motion and the right of the petitioner to receive a fair and reasonable opportunity to participate in the proceedings without compromising her health or the health of her unborn child. In the facts of the present case, the petitioner has not merely raised a general plea of inconvenience. She has specifically pleaded that she is seven months pregnant and has produced documentary material in support thereof. Further, the impugned notice was received by her on 24.09.2026 and the meeting was fixed for 01.10.2026. The petitioner has also specifically raised a grievance regarding non-supply of the material forming the basis of the proposed no-confidence motion. These circumstances, considered cumulatively, require appropriate consideration by the Prescribed Authority before proceeding further with the no-confidence motion. This Court is of the considered view that, at this stage, it would not be appropriate to adjudicate upon the truth or otherwise of the allegations levelled by the Panchas against the petitioner. Likewise, no finding is being recorded regarding the ultimate validity of the proposed no-confidence motion. The limited question requiring consideration is whether, in the peculiar facts and circumstances of the present case, the proceedings should be permitted to continue on the date originally fixed without the Prescribed Authority first considering the specific grievances raised by the petitioner.

18. Having regard to the advanced stage of pregnancy pleaded by the petitioner, the documents placed on record in support thereof, the grievance regarding non-supply of the supporting material, and the

objection regarding the period of notice, this Court is of the view that the petitioner deserves an opportunity to place all her grievances before the competent Prescribed Authority. Such course would also ensure that the statutory rights of the Panchas are not defeated and, at the same time, the petitioner is afforded a fair opportunity in accordance with law.

19. Accordingly, without expressing any opinion on the merits of the allegations contained in the proposed no-confidence motion or on the validity of the claims made by either side, the no-confidence proceedings pursuant to the impugned notice dated 21.09.2026 are deferred for the present. The petitioner is directed to submit a fresh detailed application before the SDO (Revenue)/Prescribed Authority, Dabhara, raising all her objections, including the objection regarding the period of notice, non-supply of supporting documents/material, and her present medical condition, along with the relevant documents. Upon receipt of such application, the SDO (Revenue)/Prescribed Authority shall consider the same objectively and in accordance with the provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 and the Rules framed thereunder. While considering the application, the Prescribed Authority shall also take into consideration the medical condition of the petitioner and the documents produced by her in support thereof, while keeping in view the statutory rights of the Panchas who have initiated the no-confidence proceedings.
20. The Prescribed Authority shall thereafter take an appropriate decision in accordance with law after affording reasonable opportunity of hearing to all concerned parties. If the proceedings are required to be

deferred in view of the petitioner's medical condition, the Prescribed Authority shall fix an appropriate future date in accordance with the statutory scheme and shall ensure that the petitioner is provided the material/documents upon which the proposed no-confidence motion is sought to be considered, subject to such documents being part of the record and otherwise legally disclosable. Consequently, the Writ Petition is allowed and the matter is remanded to the SDO (Revenue)/Prescribed Authority, Dabhara, District Sakti, for consideration afresh in accordance with law and in the light of the observations made hereinabove.

21. The petitioner shall file her detailed application along with the relevant medical documents and other objections before the concerned authority forthwith. The Prescribed Authority shall consider the same without being influenced by any observation made in this order, as this Court has not expressed any opinion on the merits of the allegations or on the ultimate validity of the no-confidence motion.
22. It is made clear that this Court has not expressed any opinion on the merits of the proposed no-confidence motion, the allegations levelled against the petitioner, or the defence sought to be raised by the petitioner. All such questions are left open to be considered by the competent authority in accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge

Priyanka