

(2005) 01 GAU CK 0012
In the Gauhati High Court

Laiphrakpam Brojen Singh

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 28-01-2005

Acts Referred:

Citation : (2005) 01 GAU CK 0012

Hon'ble Judges : M.B.K.Singh, J

Bench : Single Bench

Advocate : K.Rabei, R.S.Reisang, Advocates appearing for Parties

Judgement

1. In this writ petition, the petitioner is praying mainly for quashing/cancelling the proceedings of the meeting of Sikhong Sekmai Nagar Panchayat held on 13.12.2004 at 11 A.M. in the office Chamber of S.D.O. Thoubal in respect of a Non Confidence Motion against him who was the Chairman of the said Panchayat at the relevant time, on the ground of the same being illegal and bad in law.

2. I have heard Mr. K.Rabei, learned counsel for the petitioner and Mr.R.S.Reisang, learned Addl. G.A. for the respondents.

3. There is no dispute that the petitioner, who was elected as a Councillor from Ward No.2 from Sikhong Sekmai Nagar Panchayat for the term,2001-2006, became the Chairperson of the Panchayat by majority of votes of the Councilors. It is also ascertained that in pursuance of a requisition dated 3.12.2004 signed by 5 Councilors out of total 9 Councilors for moving Non Confidence Motion against the Chairperson, the Executive Officer of the Panchayat issued a notice dated 3.12.2004 to all the Councilors informing that the Non Confidence Motion would be considered on 13.12.2004 at 10.A.M. in the office Chamber of the S.D.O. Thoubal(AnnexuresA/1 and A/2 to the writ petition). Thereafter, on 10.12.2004, the Executive Officer issued a notice stating to the effect that special meeting for consideration of the Non Confidence Motion against the Chairperson was adjourned till getting approval from the Government in pursuance of the government of Manipur letter No.3/14/97MAHUD(NP) Dated

31.5.03. There is a dispute in between the parties regarding the question if another notice was issued subsequently on 10.12.2004 by the Executive Officer canceling the above said notice. According to the petitioner, no notice canceling the said earlier notice dated 10.12.2004 adjourning the special meeting was issued and as such no meeting was held on 13.12.2004 to consider the said Non Confidence Motion.