
(1997) 07 MP CK 0030

In the Madhya Pradesh High Court

Case No : Writ Petition No. 2546 of 1997

Meena Bai Prem Lal Chaudhary

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 08-07-1997

Acts Referred:

Madhya Pradesh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke Adhyaksha Tatha Upadhyaksha Ke Virudh Avishwas Prastav) Niyam, 1994 — Rule 3(3)

Citation : (1999) 2 MPLJ 97

Hon'ble Judges : P.N.S. Chauhan, J

Bench : Single Bench

Advocate : B.P. Gupta, for the Appellant; No appearance, for the Respondent

Final Decision : Dismissed

Judgement

D.P.S. Chauhan, J.

There is a letter of Shri Mangal Murti, Advocate dated 5-7-1997, in which it is stated that the case to be argued by Shri B. P. Gupta, Advocate, who has been requested to argue the matter.

Heard Shri B.P. Gupta.

The petitioner has come to this Court against the motion of noconfidence, which has been passed against her on 24-6-1997.

Learned counsel for the petitioner submitted that notice of the meeting as per requirement of sub-rule (3) of Rule 3 of the Madhya Pradesh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch; Janpad Panchayat Tatha Zilla Panchayat Ke President Tatha Vice-President ke Virudh Avishwas Prastav) Niyam, 1994, has not been effected. His submission is that clear seven days time has not been from the date of the service of the notice and holding of the meeting of no-confidence.

This submission is devoid of any substance. Law does not say about service of notice but it says that the notice shall be despatched seven days before the meeting. This submission even otherwise cannot stand as if personal service is effected, then no such meeting of no-confidence can be fixed and can be allowed to be held and it will give scope of manipulation for not effecting service of the notice on the members of the Panchayat.

The second submission as advanced by the learned counsel was that in the present case notice has been served by the Executive Officer i.e. Secretary of the Gram Panchayat though such job should have been done by a Peon. This submission is absolutely baseless. How proceedings of no-confidence are effected by this service and how proceedings become void on account of this service has not been explained.

Apart from this, the person against whom the motion of no-confidence has been passed, participated in the motion and she has turned around after the motion has gone against her and raised such technicalities.

In view of above, I find no merit in the petition. The petition is dismissed.

After this order was dictated, learned counsel further wanted to submit that in the meeting for considering the motion of no-confidence against the petitioner, the petitioner was not allowed to speak for herself. No such objection was raised before the Presiding Officer. Apart from this no such technicality can be allowed to be raised when the majority has casted vote against the petitioner. Thus, this submission has also no substance.