

Mohan Singh Chandel Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-31-2012

Appellant : Mohan Singh Chandel

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. P.L.Pandey

Judgement :

W.P.No.18545/2012 (Mohan Singh Chandel versus State of MP and another)
02.11.2012 Heard Shri P.L.Pandey, learned counsel for the petitioner on the question of admission and interim relief.

The petitioner has filed this petition being aggrieved by order dated 26.10.12 passed by the Commissioner, Jabalpur, Division Jabalpur whereby he has called for proceedings of no confidence motion against the petitioner on 03.11.2012.

It is submitted by the learned counsel for the petitioner that out of 8 councillors who have signed the proposal, three appeared before the prescribed authority on 26.10.2012 and have stated that they do not want to press the no confidence motion against the petitioner inspite of which the respondent no 2 totally ignoring the same, has convened the no confidence motion on 03.11.2012 which is contrary to the provisions of M.P.Panchayat (Gram Panchayat Ke Sarpanch तथा Upsarpanch, Janpad Panchayat तथा Jila Panchayat ke Adhyaksh तथा Upadhyaksh ke Virudh Avishwas Prastav) Niyam, 1994.

On a specific query being made from the learned counsel for the petitioner he fairly submits and concedes that the motion moved before the prescribed authority for no confidence was infact signed by all eight council ORS. He however, submits that three councillors have subsequently stated that they do not wish to press the no confidence motion and only on that ground the petitioner has filed the present petition.

Once the authority before whom the motion of no confidence is moved, is satisfied and the signatures of the councillors on the proposal are confirmed and affirmed and the same is neither denied nor is disputed, no fault can be found with the order of the prescribed authority as the discretion to press or not the motion of no confidence by requisite number of councillors cannot be faulted or permitted to be rejected by the prescribed authority on subsequent statement of the council ORS. more so as the signatures on the proposal have not been disputed.

Quite apart from the above, the petitioner would also have full opportunity of taking up all issues in case the motion is moved and is passed against him in accordance with the provisions of appeal which have been provided in the Act, therefore, I do not find any reason to interfere in the impugned order at this stage.

The writ petition is accordingly dismissed.

(R.S.Jha) Judge msp

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