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WP-34643-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 22<sup>nd</sup> OF JANUARY, 2026WRIT PETITION No. 34643 of 2025*SMT. PRIYANKA DHURVE**Versus**STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Sourabh Kumar Sharma - Advocate appearing through Video Conferencing and Shri Vikash Kumar Santu - Advocate for the petitioner.*

*Shri Prabhanshu Shukla - Government Advocate for the respondents/State.*

*Shri Deepak Tiwari - Advocate for respondents No.6 to 19.*

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ORDER

The present petition under Article 226 of Constitution of India has been filed assailing the order dated 07/08/2025 (Annexure-P/6) passed by Collector, Balaghat, whereby petitioner's Appeal under Section 21(4) of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (in short 'Adhiniyam, 1993'), has been rejected.

2. It is the case of the petitioner that the petitioner is an elected Sarpanch of Gram Palehara, Panchayat Birasa, District Balaghat and has assumed the charge of Sarpanch with effect from 14/07/2022. The strength of Panchayat in total is 15 including Sarpanch and Up-Sarpanch. Earlier, some of the Panchs tried to move a No Confidence Motion against the



petitioner with signatures of 13 Panchs, to which objections were raised. They jointly filed application before the Prescribed Authority stating that they are not in support of the No Confidence Motion. Thereafter, a general body meeting was called, however, there was no resolution for No Confidence Motion against the petitioner. The Sub-Divisional Officer (Revenue) and Prescribed Officer, Janpad Panchayat accepted the notice of No Confidence Motion against the petitioner and appointed CEO Janpad Panchayat Birsa to convene the meeting for consideration of No Confidence Motion vide order dated 15/05/2025. After receiving a notice under the provisions of the *Madhya Pradesh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994* (hereinafter referred to as the 'Rules of 1994') and after satisfying himself about the admissibility of the notice, SDO had fixed the date, time and place for meeting of the Gram Panchayat to consider the No Confidence Motion vide communication dated 23/05/2025.

3. It is argued that according to the rules made under the M.P. Gram Sabha (Procedure of Meeting) Rules, 2001, the meeting is required to be held at headquarters of the Gram Sabha concerned and according to the language of the meeting dated 31/05/2025, it is revealed that proposal of No Confidence Motion against Sarpanch was forwarded without acceptance of the said resolution which is not tenable in eyes of law. It is further submitted that when a meeting is called for discussion and for passing of No Confidence Motion before passing such resolution, it is mandatory to



dispatch the notice to call for such a meeting upon all Panchs before 7 clear days of the date fixed for meeting and if no such notice is dispatched, motion passed in such meeting will be declared as null and void.

4. It is argued that in terms of sub-rule (3) of Rule 3 of the Rules of 1994 regarding calling of the meeting for discussion, no notice has been dispatched giving clear 7 days time and fixing the date for meeting. As the Prescribed Authority had not followed the due procedure, it is violation of Rule 3(3) of the Rules of 1994 as well as violation of doctrine of procedural legitimate expectation. Thus, the very notice itself fails. It is further contended that the Prescribed Authority is required to satisfy himself about its admissibility and on being satisfied, he shall fix a date, time and place for meeting which shall not be more than 15 days from the date of receipt of said notice. The notice which has been received by the Prescribed Officer was on 23/05/2025. It was accepted on 29/05/2025 and he has fixed the date on 31/05/2025 i.e. after 2 days for meeting of Gram Sabha. Therefore, application of mind is not reflected. Even otherwise, the proceedings of issuance of notice for purpose of No Confidence need to be issued by CEO, whereas, in the present case the Sub-Divisional Officer had entrusted this job which is not permissible and is contrary to the judgment passed by the Hon'ble Supreme Court in the case of **Nazir Ahmad Vs. King Vee Emperor** reported in AIR 1936 SC 253 and **Shrinarayan Tiwari Vs. State of M.P.** reported in 1998 (1) JLJ 124. It is argued that as the procedure prescribed is not followed by the Authorities, therefore the issuance of very notice to the petitioner and other Panchs was bad in law.



5 .Petitioner earlier had preferred a Writ Petition being W.P. No.20334/2025 against the order dated 31/05/2025. The same was decided by granting liberty to the petitioner to file an Appeal. Then again, she preferred a Writ Petition being W.P. No.27972/2025, which was disposed of directing respondent No.2 to take action after granting full opportunity of hearing to the petitioner and all concerned. The Appeal was preferred by the petitioner on 10/07/2025. On 14/07/2025, Collector fixed the case on 21/07/2025 and without summoning the material record, the matter was heard and was fixed for delivery of judgment. The Collector had not given any time to produce her defense nor granted any opportunity of hearing even though the record of SDO and CEO was quite necessary for adjudication of the case, but the same were not called for and were not before the Collector when the order was passed. Therefore, this petition has been filed. He has also placed reliance upon the judgment passed by the Full Bench of this Court in the case of **Bhulin Dewangan Vs. State of M.P. and others** reported in 2001 (2) MPLJ 372.

6. On notice being issued, reply has been filed by the respondents. They have denied all the averments made in the Writ Petition. It is contended that Panchs of Gram Palehar, Panchayat Birsada, District Balaghat moved a No Confidence Motion/ resolution dated 13/05/2025 against the petitioner with signatures of 13 Panchs and submitted the same before respondent No.3 for consideration in terms of Section 21 of the Adhiniyam of 1993 on various grounds. Respondent No.3 has fixed the date, time and place for meeting i.e. 31/05/2025 at 12:00 PM for consideration on No Confidence



Motion vide communication dated 23/05/2025. Respondent No.5 has been appointed as the Presiding Officer for the said meeting. The petitioner's averment is that the notice has not been served to the petitioner before 7 days of the date fixed for meeting, to which it is contended that the respondents have duly communicated the notice before 7 days of the date fixed for meeting as would be apparent from the order dated 23/05/2025. Therefore, the argument that she was not served with a notice prior to meeting is baseless. The meeting was conducted on the date fixed for No Confidence Motion i.e. on 31/05/2025, wherein the resolution was passed by majority of two-third out of total 15 Panchs and the same has been forwarded to respondent No.3 for consideration by letter dated 02/06/2025. Petitioner filed an Appeal under Section 21(4) of the Adhiniyam, 1993 before respondent No.2 and after considering the material placed before the Appellate Authority and granting full opportunity of hearing to the petitioner, the Appeal was dismissed and the proceedings of No Confidence Motion were affirmed and were carried out in accordance with law. There is no procedural irregularity committed by the Authorities while rejecting the Appeal preferred by the petitioner vide order dated 07/08/2025. It is further contended that the resolution of No Confidence Motion was passed on 13/05/2025 and the meeting was duly convened on the notified date, time and place. The quorum for conducting the meeting was fulfilled. The No Confidence Motion was passed by the requisite majority of Panchs as prescribed under the Adhiniyam, 1993. Learned counsel for the respondents has also relied upon the judgment passed by the Full Bench of this Court in the case of **Bhulin**



**Dewangan (supra)** and the order passed by a Co-ordinate Bench of this Court in the case of **Pilvindar Singh Vs. State of M.P. & Others** decided on 06/05/2025 in **Writ Petition No.14715/2025** in support of his arguments. It is further argued that it is the intention of the legislature that has to be gathered from the provisions contained in Section 21 of the Adhiniyam, 1993 and Rule 3 of the Rules of 1994. The provision gives an intention that a meeting of No Confidence Motion be called within a reasonable period not later than 15 days and every member has to be informed regarding the same in 7 days in advance. The Full Bench has further considered the aspect that there is a general rule that 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. The party is required to show the prejudice which has been caused by passing of the said order. However, the aspect of dispatch of notice and receipt of the same was also considered by the Full Bench of this Court. He has prayed for dismissal of the Writ Petition.

7. Respondents No.6 to 19 have filed their separate reply and virtually, they have reiterated the contentions made by the respondents/State. In addition, it is submitted that the petitioner was granted full opportunity of hearing to defend her case. Therefore, there is no violation of the principles of natural justice. It is not in dispute that No Confidence Motion is passed by the majority of Panchs. There is no jurisdictional error which has been committed by the Authorities in passing the impugned order. They have also prayed for dismissal of the Writ Petition.



8. Heard learned counsel for the parties and perused the record.

9 .Petitioner has filed a Writ Appeal against the order dated 17/10/2015 passed in the present petition whereby prayer for grant of interim relief was rejected. The Appellate Court in W.A. No.3167/2025 vide order dated 22/12/2025 had disposed of the Appeal with a direction to get the petition decided at the earliest on merits. Therefore, no interim relief was granted to the petitioner at any point of time.

10. It is an admitted position that the petitioner being an elected Sarpanch of Gram Palehara, Panchayat Birasad, District Balaghat, assumed the charge of Sarpanch on 14/07/2022. Some of the Panchs tried to move a No Confidence Motion against the petitioner with signatures of 13 Panchs, wherein a joint application was filed by some of the Panchs saying that they do not support the No Confidence Motion. Thereafter a general body meeting was called and vide resolution dated 31/05/2025, decision was taken to pass a No Confidence Motion against the petitioner, on which notices were issued on 19/05/2025 for hearing on No Confidence Motion on 21/05/2025 at 04:00 PM prescribing the place for hearing of the matter. The notice of such meeting was also issued to the petitioner on 23/05/2025, which is said to be received by the petitioner on 29/05/2025.

11. This goes to show that the petitioner was well aware of issuance of notice of proceedings under Section 21(1)(2)(3) of the Adhiniyam, 1993 regarding No Confidence Motion. Petitioner appeared in the meeting of No Confidence Motion on 31/05/2025 and thereafter challenged the order passed on 31/05/2025 before the Collector, District Balaghat by filing an Appeal.



The Appellate Authority has observed that out of 13 Panchs along with Sarpanch who were present, 12 had casted votes in favour of No Confidence Motion and passed the order dated 07/08/2025 dismissing the appeal. All the grounds raised by the petitioner were taken into consideration.

12. It is the case of the petitioner that the proceedings for issuance of notice in terms of Rule 3(3) of the Rules of 1994 as well as procedure as required under Section 21 of the Adhiniyam, 1993 is not followed by the Authorities.

13. Rule 3(3) of the Rules of 1994 is required to be seen, which reads as under:-

"3. Notice.- (1) xxx

(2) xxx

(3) On receiving the notice under sub-rule (1) the prescribed authority shall satisfy himself about the admissibility of the notice with reference to Section 21 (3), 28 (3) and 35 (3), as the case may be. On being thus satisfied, he shall fix the date, time and place for the meeting of the Gram Panchayat, Janapad Panchayat or Zila Panchayat, as the case may be, which shall not be more than fifteen days from the date of receipt of the said notice. 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 Janapad or Zila Panchayat, as the case may be, to every member of the Panchayat concerned seven days before the meeting."

14. Section 21 of the Adhiniyam, 1993 reads as under:-

"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 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 of 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, as his decision shall be final."

15. The conditions mentioned in Section 21(3) of the Adhiniyam, 1993 are required to be followed by the Authorities. It is not a case wherein any of these conditions have been violated by the Authorities.

16. From the perusal of aforesaid, it is seen that the Prescribed Authority after satisfying itself about the admissibility of the notice with reference to Section 21(3), 28(3) and 35(3), as a case may be, shall fix the date, time and place for meeting of the Gram Panchayat, Janpad Panchayat or Zila Panchayat as the case may be. The notice specifying the date, time and place shall be dispatched through Secretary of the Gram Panchayat or Chief Executive Officer of Janpad or Zila Panchayat, as the case may be, to every member of the Panchayat concerned seven days before the meeting.

17. The said aspect of dispatching of notice and receipt of the same



was considered by the Full Bench of this Court in the case of **Bhulin**

**Dewangan (supra)** and the Full Bench has held as under:-

"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.L.J. 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 of 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."

18. The Full Bench of this Court in the case of **Bhulin Dewangan (supra)** has approved the decision taken by the Division Bench of this Court in the case of **Muku Bai Vs. State of M.P.** reported in 1998 (2) MPLJ 661 as well as **Mahesh Pd. Choudhary Vs. State of M.P.** reported in 1997 (2) JLJ 397, **Srinarayan Tiwari Vs. State of M.P.** reported in 1998 (1) MPLJ 427, **Sharda Bai Khatik Vs. State of M.P.** reported in 1997 (2) MPLJ 291 and has rightly upheld the judgment passed in the case of **Dhumadhandin Vs. State of M.P. and others** reported in 1997 (2) MPLJ 175 observing therein that learned Single Judge has rightly exercised his discretion and declined to invalidate the No Confidence Motion passed in a meeting held beyond 15 days of the receipt of the No Confidence Motion and the case is distinguishable on its facts.

19. Similar view was taken in the case of **Pilvindar Singh (supra)**, wherein taking note of the judgment passed in the case of **Bhulin Dewangan (supra)**, the Court has held as under:-

"13. The first contention of the petitioner is that the prescribed authority on receiving the notice under Sub-Rule (1) of Rule 3 of the Rules of 1994 had not satisfied itself about the admissibility of the notice with reference to Section 21(3) of the Adhinyam, 1993 and since the said satisfaction has not been recorded and had fixed the date, the entire proceedings are vitiated and thus deserve to be quashed.

14. Section 21(3) of the Adhinyam, 1993 provides that "no-confidence motion shall not lie against the Sarpanch or Up-Sarpanch within a period of; (i) two and half 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) six months from the date on which the previous motion of no-confidence was rejected.

15. Herein case, the petitioner had assumed the Office of Sarpanch on 14.07.2022. As per the contention of the respondents in their petition under Section 21 of the Adhinyam, 1993, resolution of no-confidence motion was passed on 10.03.2025 which was clearly after a period of two & half years from the date on which the petitioner has assumed the Office. Thus, the contention of the petitioner that satisfaction of no confidence has not been recorded by the prescribed authority with regard to Section 21(3) of the Adhinyam, 1993, therefore, the order is bad in law has no force, as admittedly from the record, the no-confidence was brought by the majority of the members after a period of two and half years from the date of assuming of the charge by the petitioner and thus, fixing of the date, time and place for the meeting of the Gram Panchayat cannot be faulted with and also since the date fixed by the prescribed authority was 29.04.2025, which was not more than 15 days from the date of receipt of the said notice by the prescribed authority, therefore, on this count also, fixing of the meeting cannot be faulted with."

20. From the perusal of the aforesaid judgments passed by the Full Bench as well as Co-ordinate Bench of this Court, it is apparently clear that the dispatching of notice and its receipt by the concerning person, though being a mandatory provision under the Act, however the fact remains that the non-compliance of the same need not be necessarily result in nullification of the whole action. It depends upon facts of each case. The argument that mandatory provisions are not followed is of no benefit to the petitioner on the ground that no substantial prejudice has been caused to her or any other party.

21. If the aforesaid principle is applied to the facts of the present case, it is seen that the notice which was issued for fixing a date, time and place for consideration of No Confidence motion were duly served to the petitioner.



There is a noting of the petitioner on the said notice that the said notice was received by the petitioner on 29/05/2025, that is two days prior to the date of hearing on No Confidence motion. Thereafter, the petitioner appeared and the motion on No Confidence against the petitioner was passed by the majority of two-third out of total 15 Panchs and the same was forwarded for consideration before respondent No.3 vide letter dated 02/06/2025. The Appeal filed by the petitioner against the No Confidence motion dated 31/05/2025 was dismissed observing that out of 13 Panchs in all present including the petitioner, 12 has voted in favour of the No Confidence motion.

22. The Full Bench of this Court in the case of **Bhulin Dewangan** (*supra*), has further considered the aspect that it is the intention of the legislature which has to be seen when a No Confidence Motion against the Sarpanch is moved which is duly supported by two-third majority of votes of Panchs voting in favour of the No Confidence motion.

23. In the present case, out of 13 Panchs, 12 Panchs have voted in favour of No Confidence motion. The ground regarding dispatch and receipt of notice and not granting reasonable period of 15 days to every member will not be of any help to the petitioner. It is provided under Section 21 of the Adhiniyam, 1993 that a meeting of No Confidence be called within a reasonable period not later than 15 days i.e. the outer time limit of 15 days is fixed by the legislature, but prior to 15 days the meeting can be called at any point of time. In the present case, after issuance of notice the meeting was fixed on 31/05/2025. The entire record indicates that the petitioner was well



aware of the fact of proceedings of No Confidence being initiated against her. She participated in the proceedings and thereafter the order was passed by the Collector.

24. Under these circumstances, no prejudice has been caused to the petitioner. The judgment which has been relied upon by the petitioner is of no help to the petitioner. Therefore, finding no illegality in the order impugned passed by the Authorities, no relief can be extended to the petitioner.

25. The petition *sans* merit and is, accordingly, **dismissed**. No order as to costs.

(VISHAL MISHRA)  
JUDGE

Shbhnkr