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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 2466 OF 2002.

PETITIONER

:

Heeralal Chandra, S/o
Shri Setram Chandra,
Aged about 41 years,
Occupation-Agriculture,
Incharge Sarpanch, Gram
Panchayat, Ulkhar, Tahsil
Saranggarh, District
Raigarh, (C.G.).

25/11/12
P.R. No.

Presented by Shri. *A. Shrivastava*
dated *14.11.12*

V E R S U S

RESPONDENTS

:

1. State of Chhattisgarh,
Through : The Secretary,
Panchayat & Rural Department,
D.K.S. Bhawan, Raipur,
(C.G.).
2. The Additional Commissioner,
Bilaspur Division, Bilaspur,
(C.G.).
3. The Collector,
District Raigarh, Raigarh,
(C.G.).
4. The Sub Divisional Officer,
Saranggarh, District Raigarh,
(C.G.).



14-11-12

Regd

5. Nilamber Prasad Chandra,
Secretary, (Panchayat Karmi),
Gram Panchayat, Ulkhar,
Tahsil Saranggarh, District
Raigarh, (C.G.).
6. Ramnath, S/o
Shri Harihar Chandra,
Aged about 26 years,
Occupation-Agriculture,
Panch Ward No.3, Gram
Panchayat, Ulkhar, Tahsil
Saranggarh, District
Raigarh, (C.G.).
7. Dhanbai W/o
Shri Resham Satnami,
Aged about 32 years,
Occupation-Agriculture,
Panch Ward No.5, Gram
Panchayat, Ulkhar, Tahsil
Saranggarh, District
Raigarh, (C.G.).
8. Ramswaroop, S/o
Shri Heeralal Chandra,
Aged about 41 years,
Occupation-Agriculture,
Panch Ward No.14, Gram
Panchayat, Ulkhar, Tahsil
Saranggarh, District
Raigarh, (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE
OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE
LIKE NATURE ETC.

आदेश पत्रक

मामला क्रमांक W.P.No. 2460/ सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>31-01-2003</u></p> <p>Shri Rajesh Pandey, counsel for the petitioner.</p> <p>Shri Ranbir Singh, Govt. Adv. for the State.</p> <p>Heard.</p> <p>Considering the limited question involved in this petition, the Court feels that no useful purpose would be served in keeping this writ petition pending as the same can be disposed of at this stage. As the impugned order (Exhibit P-1) was passed ex-parte, the Court does not think it necessary to notice private parties.</p> <p>This petition is directed against the order dated 11-11-2002 rejecting the application for interim orders.</p> <p>The petitioner is the Incharge Sarpanch, Gram Panchayat, Ulkhar, Tahsil Sarangarh Distt. Raigarh[C.G.] and respondent No.5 was its Secretary (Panchayat Karmi). On the basis of complaints received, proceeding for removal were initiated before the Sub Divisional Officer, Sarangarh. The petitioner (Sarpanch) was exonerated and the respondent No.5 was found guilty of lapses. In suo-motto revision this order</p>	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक W.P. No. 2460/ सन 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी-रजिस्ट्रार के अन्तिम आदेश
	<p>was reversed by the Collector, who held the petitioner guilty and exonerated the Panchayat Karmi and passed the order of removal under Section 40 of Panchayat Raj Adhiniyam, 1993. This order was assailed before the Additional Commissioner, Bilaspur Division, who rejected the prayer for staying the operation of the impugned order. That order is subject matter of challenge in the present writ petition.</p> <p>In such a situation normally the Court would ordinarily have ordered the authority to dispose of the appeal at an early date. However, the posts of the Commissioner & Additional Commissioner have been abolished but no alternative forum has been created nor there is any provision under which the proceedings arising under the Panchayat Raj Adhiniyam, 1993 pending before the Commissioner are to be transferred. Time and again State counsel was asked to inform the Court as to which is the forum, which will take up the appeals filed before the Commissioner or are required to be filed there. The only reply given by the State counsel was that the State is looking into the matter. It is therefore, apparent that till such time as</p>	

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आदेश पत्रक

WP No. 2460/02

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p style="text-align: center;">-3-</p> <p>forum is provided litigant will be moving from pillar to post without knowing which forum to approach. In this view of the matter, the Court thinks it proper to pass an order of status quo in favour of the petitioner. As and when an alternative forum is created or constituted, it will take up and dispose of the appeal expeditiously.</p> <p>With the aforesaid observations and directions the petition stands disposed of. Consequently M.W.P. No. 1509/2002 & I.A. No.7697/2002 for urgent hearing also stand disposed of.</p> <p>Certified copy as per rules.</p>	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Sd/- P.C NAIK Judge</p> </div>

[पीछे देखिये]

Roshan/-