

(2)

CF1002

IN THE HIGH COURT OF JUDICATURE AT
BILASPUR (C.G.)

WRIT PETITION NO. 5241/2006

PETITIONER

: Sakun Bai Keowarth ✓
W/o. Shri Dhan Sai Keowarth
Aged about 35 years,
Up-Sarpanch, Gram Panchayat
Manikpur, Block - Bilha,
District Bilaspur (C.G.)

P.R. No. 5283/06
Presented by Sanjay Agast
dated 27/9/06

VERSUS**RESPONDENTS**

1. State of Chhattisgarh ✓
Through : the Collector
Bilaspur, Distt. Bilaspur (C.G.)
2. Sub-Divisional Officer (R) ✓
Bilaspur (C.G.)
3. The Additional Collector ✓
Bilaspur, Distt. Bilaspur (C.G.)
4. Tahsildar Bilaspur ✓
Tahsil Office Bilaspur, Distt.
Bilaspur (C.G.)
5. Rambahoran Keowarth ✓
Aged about 28 years,
S/o. Domra Keowarth
R/o. Gram Panchayat Manikpur
Tahsil & Distt. Bilaspur (C.G.)

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21/10/06
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WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.-5241/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>26.09.2006</u></p> <p>Shri Raghvendra Pradhan, Counsel for the petitioner. Shri Sushil Dubey, Govt. Advocate for the State. Heard on admission.</p> <p>This petition has been filed by the Up-Sarpanch on whose instance a motion of no confidence was moved against the Sarpanch namely Rambahoran Keowarth – respondent No.5 and the same was carried out on 22/8/2006. It is stated that against the said motion of no confidence, carried out against respondent No.5, the respondent No.5 filed a dispute before the Additional Collector, Bilaspur under sub-section (4) of Section 21 of the <i>Panchayat Raj Adhiniyam</i>. The Additional Collector granted an order of interim stay on 13/9/2006 and thereafter, fixed the matter for 5/10/2006.</p> <p>Learned counsel for the petitioner argues that the date fixed as 5-10-2006 is beyond the period of 30 days from the date of filing of the dispute, which was filed on 28/8/2006, therefore, it goes against the provisions of Section 21(4) of the said Act. He further argues that only the Collector and nobody else that is to say that Additional Collector etc. was having the authority to entertain the dispute, as the provisions of sub-section (4) of Section 21 clearly indicates that the Collector shall decide such disputes referred to him. In this manner, he argues that the entire proceedings drawn by the Additional Collector is without jurisdiction. He also argues that since the respondent No. 5 has not made either the Up-Sarpanch or other Panchas as the party/respondents in the dispute, therefore, they cannot agitate this point before the said authority and they had to file a petition before this</p>	

आदेश पत्रक

मामला क्रमांक ... WP-5241/08 सन् 200

..... विरुद्ध

आदेश का दिनांक आदेश मांक सहित	आदेश हस्ताक्षर सहित 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>Court. He has prayed for quashment of the order dated 13/9/2006(Annexure P-1), which is an order of stay.</p> <p>Since the main dispute is pending before the Additional Collector, I am not inclined to entertain this petition at this interlocutory stage against the interim order passed by the Additional Collector. However, the points raised can be decided by the authority itself. So far as the question of petitioner being not made a party in the dispute is concerned, it is observed that if so advised, the petitioner may approach the concerned authority, where the dispute is pending and file an application for making her a party and she may also file an application raising the above points particularly the point of jurisdiction. If such an application is filed, the concerned authority shall take it into consideration and he may dispose of the same separately or he may dispose of those objections alongwith the final order ultimately to be passed by him in the dispute itself.</p> <p>Since the Legislature has laid a mandate of 30 days, I deem it proper to further observe that the concerned authority shall try to dispose of the dispute at the earliest so that the aforesaid mandate given by the Legislature is also respected.</p> <p>With the aforesaid observations, the petition stands finally disposed of at the motion stage..</p>	<p>Sd/- Sunil Kumar Sinha Judge</p>

shyna

(पीछे देखिये)

24/9/08