

CP-1007

(8)
(6)

SINGLE BENCH
IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

1674
W.P. (C) NO. /2011

PETITIONER

: Smt. Panmeshwari, W/o. Rajaram,
aged about 28 years, R/o. village
Patora, Tahsil Lundra, District Surguja
(C.G.)

VERSUS

RESPONDENTS

- 1] State of Chhattisgarh, through:
Secretary, Panchayat & Gramin Vikas
Vibhag, D.K.S. Bhawan, Raipur,
District Raipur (C.G.)
- 2] Collector, Ambikapur, Surguja,
District Surguja (C.G.)
- 3] Commissioner, Surguja Range,
Ambikapur, District Surguja (C.G.)
- 4] Sub-Divisional Officer, Ambikapur,
District Surguja (C.G.)
- 5] Dilip, S/o. Rajkumar, aged about 40
years, Upsarpanch
- 6] Sanjay, S/o. Bulchu, aged about 42
years, Panch
- 7] Aditya, S/o. Indernath, aged about 35
years, Panch
- 8] Smt. Anita, W/o. Satish, aged about 34
years, Panch
- 9] Smt. Naiharo, W/o. Brijlal, aged about
35 years, Panch
- 10] Smt. Sushila, W/o. Basantlal, aged
about 28 years, Panch
- 11] Smt. Maankunwar, W/o. Ramchand,
aged about 30 years, Panch
- 12] Rampyari, W/o. Chankhram, aged
about 35 years, Panch
- 13] Smt. Bigani, W/o. Pujeshwar, aged
about 30 years, Panch
- 14] Semarsai, S/o. Kendu, aged about 40
years,



- (a)
(5)
- 15] Smt. Chali, W/o. Sahalu, aged about 30 years,
 - 16] Smt. Fransiska, W/o. Jaishankar, aged about 35 years, Panch
 - 17] Smt. Antoniya, W/o. Agustin, aged about 35 years, Panch
 - 18] Smt. Fuleshwari, W/o. Simon, aged about 35 years, Panch
 - 19] Smt. Kanti, W/o. Bhulan, aged about 30 years, Panch
 - 20] Smt. Jageshwari, W/o. Jharha, aged about 40 years, Panch
 - 21] Kedarnath, W/o. Mukundra, aged about 40 years, Panch
 - 22] Hulariyus, S/o. Bifaiya, aged about 40 years, Panch

All above respondent no.5 to 22 are R/o. village Patora, Police Station and Tahsil Lundra, District Surguja (C.G.)

- 23] Presiding Officer Shri M.L. Sahu, Tahsildar Lundra, District Surguja (C.G.)

**WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA**

HIGH COURT OF CHHATTISGARH : BILASPUR
WRIT PETITION (C) NO. 1674 OF 2011

PETITIONER

Smt. Panmeshwari

Versus

RESPONDENTS

State of Chhattisgarh & Others

(Writ Petition under Article 226/227 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri Manoj Paranjpe, Advocate for the petitioner.
Shri Arun Sao, Government Advocate for the State/ respondents
No.1 to 4 & 23.
Shri Shakti Raj Sinha, Advocate for the respondent No.5.
None for the other respondents.

ORDER (ORAL)

(Passed on this 30th day of August, 2011)

1. By this petition, the petitioner seeks to challenge the legality and validity of the order dated 15.03.2011 (Annexure P-1), passed by the Commissioner, Surguja, Division Ambikapur, in Revision Case No.18/Panchayat/10-11, village Patora, Tahsil Lundra, in case of Anita Jaiswal & Others v. Panmeshwari & Others.
2. The brief facts, as projected by the petitioner, is that the petitioner is an elected Sarpanch of Gram Panchayat Patora, Janpad Panchayat Lundra, District Surguja. The no confidence motion was initiated against the petitioner by notice dated 21.02.2011. For holding a no confidence motion, the prescribed authority cum Sub Divisional Officer, Ambikapur, Surguja, fixed the date of the meeting on 26.02.2011.
3. Since the mandatory provisions of law was not complied with, the petitioner approached the Collector, District Surguja (Ambikapur) questioning the legality and validity of the notice dated 21.02.2011, whereunder, the meeting of no confidence was fixed on 26.02.2011. The Collector, after having heard, being satisfied that the proper legal procedure has not been followed, stayed the notice, whereunder, the date for no confidence motion was fixed on 26.02.2011.
4. Being aggrieved, Smt. Anita Jaiswal with 9 others preferred a revision application under Section 91 read with Section 5 of the Chhattisgarh (Appeal & Revision) Rules, 1995, before the Commissioner. The Commissioner, Surguja, Division, Ambikapur,

stayed the order dated 03.03.2011 passed by the Collector, by the impugned order dated 15.03.2011.

5. Learned counsel appearing for the petitioner submits that the balance of convenience is in favour of the petitioner that if no confidence motion was allowed to proceed, the application pending before the Collector may become purposeless.
6. Be that as it may, since the order passed by the Commissioner was only for till 04.04.2011, i.e. before the date of hearing on 04.04.2011, as during this period, the relevant records were requisitioned by the Commissioner. Thus, it is not clear as to whether any order has been passed on 04.04.2011 i.e. the next date of hearing, pursuant to the impugned order dated 15.03.2011.
7. For the reasons mentioned hereinabove, without going into the merits of the case, the Commissioner is directed to consider and decide the revision application in accordance with law, as early as possible, preferably within a period of two weeks.
8. Accordingly, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge