

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 4422 of 2019

6. Ramlal Patel S/o Sukhram Patel, aged about 39 years, R/o Village Markamgondi, Tahsil & P. S. Sakti, District Janjgir- Champa (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (C.G.)
2. Collector, District Janjgir-Champa (C.G.)
3. Sub Divisional Officer (Revenue) Sakti, District Janjgir-Champa (C.G.)

---- Respondents

For Petitioner	: Mr. C.K. Kesharwani, Advocate
For Respondents/State	: Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
(Vacation Judge)

Order On Board

24.12.2019

1. Heard.
2. Petition has been brought challenging the notification dated 16.10.2019 by which Village Markangondhi, at serial No. 48 and Village Kandanara, at serial No. 73 have been declared separate Panchayats.
3. It is submitted that, earlier, the notification was issued on 05.10.2019 in which the Village Markamgondi and Kandanara were shown in a cluster to be declared as a panchayat and claim objections were invited for the same, however, without receiving any claims and objections and without considering any other facts and circumstances, the notification dated 16.10.2019 has been issued by separating both the villages as separate panchayats. The constitution of village Kandanara is against the circular issued by the State Government

dated 11.09.2019 in which, it is specially provided in paragraph 2 (2) that the proposed village should have population of at least one thousand, who have to be declared a panchayat. Therefore, prayer has been made for issuing such direction and grant of relief.

4. On the contrary, learned State counsel opposes the petition and submits that the notification has been issued for the election of Gram Panchayat, therefore, at this stage, respondents have no authority to reconsider on the notification issued and pass any order in that respect and the circular dated 11.09.2019 is not any rule or provision of law, it is just a guideline and the instruction given in a guideline may vary in accordance with a requirement, therefore, the constitution of Village Kandana as separate Panchayat is not at all illegal, petition be dismissed. It is also submitted that petitioner has not made any representation to respondent No. 2.
5. In reply, it is submitted by counsel for the petitioner that the notification has though been issued but it will become effective from 30.12.2019, therefore, the respondents can reconsider on the notification issued, therefore, application be issued.
6. Heard, counsel for both the parties and perused documents available on record.
7. Considered the submissions and also perused all the documents filed along with petition.
8. Petition is disposed off without making any observations on the issued notification date 16.10.2019. The petitioner is at liberty to file representation and if any such representation is filed then respondent No. 2 is directed to consider on the same and decide it in accordance with law without being influenced by any observation made in this order.
9. Accordingly, this petition is disposed off.
10. Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge