

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4740 of 2019**

Bhagirathi Nirala, S/o Hoji Ram Nirala, Aged About 32 Years, R/o Village- Mudpar Bade, Tahsil- Sarangarh, District- Raigarh (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh, through: Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralya Atal Nagar, New Raipur, District- Raipur (C.G.)
2. The Collector, District- Raigarh (C.G.)
3. The Sub-Divisional Officer (Revenue), Sarangarh, District- Raigarh (C.G.)
4. The Chief Executive Officer, Janpad Panchayat, Sarangarh (C.G.)

---- **Respondents**

For Petitioner : Mr. Sanjay Agrawal, Advocate.

For State/respondents : Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/12/2019

1. This writ petition is preferred for quashing the impugned notification dated 24.11.2019 (Annexure P/1) and further to issue fresh notification in respect of Gram Panchayat- Mudapar Bade following the rule of reservation and considering the population census.
2. Learned counsel for the petitioner submits that vide Annexure P/1, the Collector, Raigarh has issued a notification notifying the Gram Panchayat- Mudapar Bade reserved for a woman of Schedule Tribe, whereas the census report (Annexure P/2) shows that there is not a single resident in Village- Mudapar Bade belonging to Schedule Tribe. The petitioner has made a representation (Annexure P/4) to the Collector, Raigarh

(Respondent No. 2) to take a decision on the post of Sarpanch reserved for Schedule Tribe and do the amendment accordingly, therefore, a direction may be issued to respondent No. 2 to consider and decide the representation as soon as possible.

3. Learned State counsel submits that the election process has been initiated and the notification has already been issued, therefore, respondent No. 2 is not in a position to take any decision on the representation made by the petitioner.
 4. In reply, learned counsel for the petitioner submits that although, the notification has been issued, but the nomination is going to be start from 31st December, 2019, therefore, respondent No. 2 has the authority to take a decision on the representation.
 5. After considering the submission made by learned counsel for the parties and the documents present on record, this writ petition is disposed of with a direction that respondent No. 2 shall consider on the representation made by the petitioner, if it is possible to do so after issuance of the notification, within 7 days from the date of production of certified copy of this order.
- Certified copy today itself as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge