

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 491 of 2015

1. Veer Kunwar S/o Baneshwar Aged About 46 years, Caste Bhuienya, Elected Sarpanch, Gram Panchayat Sundaru, Block Farsabahar, Distt.- Jashpur Chhattisgarh

---- Petitioner

Versus

1. Ganesh Sai S/o Ganga Sai Aged About 58 Years, Caste Kanwar R/o Village-Pokpani, Block/tehsil Farsabahar, Distt. Jashpur Chhattisgarh
2. State Of Chhattisgarh Through Collector, Jashpur Chhattisgarh
3. District Election Officer/Collector Jashpur, Distt. Jashpur Chhattisgarh
4. Returning Officer Panchayat Farsabahar, Officiating Shri S.K. Yadav Tehsildar, Farsabahar, Distt. Jashpur Chhattisgarh
5. Namankan Adhikari Assistant Returning Officer Panchayat Farsabahar, Officiating Shri Dubey Ranger (Forest Ranger) Tapkara, Distt. Jashpur Chhattisgarh

---- Respondents

For Petitioner:	Shri Sanjay Patel, Advocate
For Respondent No.1:	Shri Vinod Tekam, Advocate
For Respondents No.2 to 5:	Shri Arun Sao, Deputy AG

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

07/07/2015

In the election of Gram Panchayat Sundaru, the petitioner was elected as Sarpanch thereof. His election was challenged by respondent No.1 before the Sub Divisional Officer. However, as the petitioner could not file his reply, vide order dated 4.6.2015 his right to do so has been closed and it is this order which is under challenge in this petition filed under Article 227 of the Constitution of India.

2. Counsel for the petitioner submits that if the petitioner is not permitted to file his reply, the natural consequence of the same would be allowing the election petition filed by respondent No.1 and thereby he would be thrown out of the office of Sarpanch just for a trivial ignorance on his part in not filing the reply. He submits that in fact the counsel engaged by the petitioner had suffered a paralytic attack and therefore reply could not be filed. According to the counsel for the petitioner, two weeks' time may be given to the petitioner to file reply before the Sub Divisional Officer and thereafter the said authority may proceed further with the case.

3. State counsel submits that in case this Court is going to grant an opportunity to the petitioner, at least suitable cost may be imposed on him for being ignorant in filing reply which would be payable to respondent No.1. He further submits that let the petitioner give an undertaking that before the Sub Divisional Officer he would not unnecessarily take adjournments and shall offer every co-operation for early disposal of the election petition.

4. Considering the rival submissions of the parties and keeping in mind the facts and circumstances of the case, the petitioner is permitted to file his reply within a period of two weeks from today before the Sub Divisional Officer and on that being done the said officer would take the same on record and proceed further with the case. Accordingly, the petition is allowed subject to payment of cost of Rs. 5,000/- by the petitioner to respondent No.1.

5. Petitioner shall refrain from taking un-necessary adjournments before the Sub Divisional Officer and offer due co-operation before the said authority so that the election petition can be decided at the earliest.

Sd/-
(Pritinker Diwaker)
Judge