NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.5868 of 2007

Bali Ram Netam, aged 32 years, son of Shri Mangru Ram Netam, resident of Village Ghotpal, Tahsil Geedam, District South Bastar Dantewara, Chhattisgarh

---Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Panchayat Department, Raipur, Chhattisgarh
2. Deputy Director, Panchayat and Social Welfare, Dantewara, District South Bastar, Chhattisgarh
3. Gram Panchayat Ghotpal, Janpad Panchayat Geedam, District South Bastar, Dantewara, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Geedam, District South Bastar, Dantewara, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Somnath Verma, Advocate
For State/Respondents No.1&2	:	Shri Prafull N. Bharat, Additional Advocate General
For Respondent No.4	:	Shri Pawan Shrivastava, Advocate

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

28/3/2016

1. Heard Learned Counsel for the Petitioner, Learned Additional Advocate General for Respondents No.1 and 2 and Learned Counsel for Respondent No.4.

2. The powers of the Petitioner as Secretary of the Gram Panchayat under Section 69 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 was withdrawn on 27/31.3.2004. The writ petition was filed on 19.9.2007. The cause of action accrued in 2004. The obtaining of any information under the Right to Information Act may be material in support of the cause of action, but cannot constitute a cause of action by itself.

3. Counter-affidavit has been filed on behalf of the Respondents taking specific objection with regard to delay as also the remedy of statutory

appeal available which was bypassed and writ petition filed directly.

4. Learned Additional Advocate General next submits that subsequently the Petitioner has been removed from the post of Secretary also.

5. Be that as it may, considering the nature of relief sought in the present writ petition as presented, the Court is satisfied that the delay of 3½ years in institution of the same was highly belated and warrants no interference.

6. The writ petition is dismissed.

Sd/-
(**Navin Sinha**)
CHIEF JUSTICE

Gopal