

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1539 of 2016**

- Smt. Dulesh Nirmal W/o Shri Manharan Nirmal, Aged About 40 Years Sarpanch Village Panchayat, Teligundara, Block Patan, District Durg, R/o Village & Post Teligundara, Tahsil Patan, District Durg, (Chhattisgarh)

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through: The Secretary, Panchayat Department, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, Tahsil & District Raipur, (Chhattisgarh)
2. The Collector, District Durg, (Chhattisgarh)
3. The Chief Executive Officer, Janpad Panchayat, Patan, District Durg, (Chhattisgarh)
4. The Chief Executive Officer, Jila Panchayat, Durg, (Chhattisgarh)
5. Smt. Ishwari Sahu, Ex Sarpanch, Village Panchayat, Teligundara, Block Patan, District Durg, R/o Village & Post Teligundara, Tahsil Patan, District Durg, (Chhattisgarh)
6. The Village Panchayat, Teligundara, Through: The Secretary, Village Panchayat, Teligundara, Block Patan, District Durg, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri SC Verma, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****21/06/2016**

1. Petitioner is the substituted Sarpanch of Gram Panchayat Teligundara, Block Patan, District Durg, having been so appointed vide order dated 18-4-16, as the office of Sarpanch of the said Gram Panchayat was vacant after no confidence motion was passed against the elected Sarpanch i.e.

respondent No.5 Smt. Ishwari Sahu.

2. Petitioner is aggrieved by the order by which the Collector, Durg has directed the parties to maintain *status quo* in respect of the effect and operation of the resolution dated 9-4-16 and thereafter Janpad Panchayat, Patan has issued memo on 6-6-16 directing the Panchayat Secretary to handover charge of the office of Sarpanch to respondent No.5.
3. Shri S.C. Verma, learned counsel for the petitioner, would submit that while passing interim order on 11-5-16, the Collector, Durg never intended to direct the parties to maintain *status quo ante*, therefore, if on the said date the substituted Sarpanch was already appointed and taken charge of the Gram Panchayat, he cannot be deprived of the charge and the Janpad Panchayat has wrongly issued the memo Annexure P-1.
4. Perusal of the memo issued by the Janpad Panchayat, Patan on 18-4-16 (Annexure P-6) would reveal that the petitioner was directed to be handed over charge of the office of Sarpanch and thereafter, as would be apparent from the document Annexure P-9, the resolution of the Gram Panchayat, the petitioner was handed over charge on 21-4-16, however, by the present impugned order Annexure P-1, the Janpad Panchayat has directed that charge of the office of Sarpanch be again handed over to respondent No.5.
5. Considering the entire facts situation of the case and for the fact that the petitioner was already handed over the charge of the office of Sarpanch on 21-4-16 i.e. before the interim order was passed by the Collector on 11-5-16, the Janpad Panchayat was not justified in wrongly interpreting the order of the Collector and directing handing over of charge to respondent No.5.

6. Be that as it may, since the proceedings under Section 21 (4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam, 1993') are pending before the Collector, the ends of justice would be served if the writ petition is disposed of with a direction to the concerned Collector to finally decide the proceedings under Section 21 (4) of the Adhiniyam, 1993, at the earliest, preferably within a period of six weeks from the date of presentation of certified copy of this order.
7. Till the matter is decided by the Collector, the *status quo* in respect of charge of the office of the Sarpanch, shall be maintained, as it exists today.

Sd/-

Judge
Prashant Kumar Mishra

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