

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1769 of 2016

- Subhadra W/o Santosh Sahu, aged about years, R/o Village Podi, Janpad Panchayat Navagarh, Tehsil & District Janjgir Champa (Chhattisgarh).

---- Petitioner

Versus

1. Sub Divisional Officer (Revenue) And Competent Authority, Panchayat Election, Janjgir, District Janjgir Champa (Chhattisgarh).
2. Smt. Shanti Bai, W/o Jeet Ram Sahu, Aged About 35 Years R/o Village Podi, Janpad Panchayat, Navagarh, District Janjgir Champa, (Chhattisgarh)

---- Respondent

For Petitioner

Shri Anoop Majumdar, Advocate

For Respondent-State

Shri Arun Sao, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

18/07/2016

1. The petitioner is the elected Sarpanch of Gram Panchayat, Podi (Rachha), Tahsil Navagarh, District Janjgir-Champa. She is aggrieved by the order passed by the Election Tribunal i.e. Sub Divisional Officer (Revenue), Janjgir-Champa on 30.05.2016, whereby the Election Tribunal has refused to grant adjournment and closed her evidence.
2. Perusal of the order sheets would demonstrate that the petitioner produced two of her witnesses for cross-examination on 30.03.2016 and thereafter sought time to produce the remaining witnesses. Thus,

repeated opportunity was granted to the petitioner, however, the impugned order passed by the Election Tribunal appears to be without any reason and has been passed in an abrupt manner. Since the petitioner has already produced two witnesses for cross-examination, it is not such a case where the petitioner was not at all cooperative in the proceedings.

3. Considering the fact that if the petitioner is not granted opportunity, she being the elected sarpanch may lose her office, ends of justice would be served if one opportunity is granted to the petitioner to produce the remaining witnesses for cross-examination.
4. Accordingly, the writ petition is disposed of with a direction that on petitioner's producing the remaining witnesses for cross-examination before the Election Tribunal within a period of one month from today, the Election Tribunal shall allow the cross-examination and thereafter proceed to decide the election petition in accordance with law. Let the election petition be decided, at the earliest, preferably within a period of 6 months.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala