

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2242 of 2016

1. Smt. Purnima Manikpuri W/o Bhuvan Manikpuri, Aged About 23 Years Ex- Sarpanch Of Gram Panchayat Dunda, R/o Gram Panchayat Dunda, Tehsil & P.S. Bemetara, District Bemetara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Social Welfare, Mantralaya, New Raipur, (Chhattisgarh)
2. Collector, Bemetara, District Bemetara, (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Bemetara, District Bemetara, (Chhattisgarh)
4. Gram Panchayat Dunda, Through Its Secretary, Bemetara, District Bemetara, (Chhattisgarh)

---- Respondent

For Petitioner Shri Vinay Pandey, Advocate
For Respondent/State Shri S.M. Ali, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

05/09/2016

1. Petitioner has been removed from the office of Sarpanch, Gram Panchayat Dunda, Bemetara in a proceeding under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam,

1993. Challenging the said proceeding, the petitioner preferred an appeal before the Collector, Bemetara, which is pending consideration, however, the application for grant of interim relief has been rejected by the Collector and the matter has been posted for final hearing.

2. In the considered opinion of this Court, when the Collector has exercised its discretion to reject the prayer for grant of interim relief, no writ petition would lie under Article 226 of the Constitution of India, however, the Collector should decide the the pending appeal of the petitioner at the earliest.

3. For the foregoing, the writ petition is disposed of with a direction that the Collector, Bemetara, shall consider and decide the petitioner's pending appeal, in accordance with law and on its own merits, at the earliest preferably within a period of six weeks from the date of submission of certified copy of this order.

Sd/-

Judge

Prashant Kumar Mishra

Gowri