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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5939 of 2007**

Lochan Patel S/o. Shri Ramcharan Patel, aged about 40 years,
Sarpanch, village-Chewaripali, Tahsil-Sarangarh, Distt.-Raigarh
(CG) R/o Vill.Chewaripali, Tahsil Sarangarh, District-Raigarh (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department of Panchayat and Rural Development Mantralaya, D.K.S. Bhawan, Raipur (CG)
2. Deputy Director, Panchayat and Social Welfare Dist-Raigarh (CG)
3. Chief Executive Officer, Janpad Panchayat, Baamkela, Tahsil Sarangarh, Dist-Raigarh (CG)
4. Antaryami Vishwal S/o not known, Aged about-not known, Ex-Secretary Gram Panchayat-Chewaripali, Janpad Panchayat-Baramkela, Tah. Sarangarh, Dist. Raigarh R/o Village-Chewaripali, Tahsil-Sarangarh, Dist-Raigarh (CG)
5. Rohit Patel S/o Motilal Patel, R/o Village-Chewaripali, Tahsil-Sarangarh, Dist-Raigarh (CG)

---- Respondents

For Petitioner	:	Mr. Atul Pandey, Advocate
For Res.No.1 and 2	:	Ms Ashtha Shukla, P.L.
For Res.No.4	:	Mr.Shikhar Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/02/2017**

1. Respondent No.4, who was Secretary of Gram Panchayat Chewaripali, was removed by an order of respondent No.2 dated 10.5.2005 in exercise of powers conferred under Section 69 (1) of the Chhattisgarh Panchayat Raj

Adhiniyam, 1993 (hereinafter called as "Act of 1993") on the allegation that in the meeting of Gram Sabha held on 24.8.2004 despite lack of quorum decisions were taken. Respondent No. 4 is held responsible for that meeting. Respondent No.4 preferred an appeal before respondent No.2 and respondent No.2 by order dated 6.3.2007 (Annexure P/7) dismissed the appeal. Thereafter, respondent No.4 preferred the revision before the State Government and the State Government has allowed the revision by the impugned order dated 15.6.2007 (Annexure P/1).

2. Mr.Atul Pandey, learned counsel appearing for the petitioner, would submit that order passed by the State Government is unsustainable and bad in law.
3. Mr.Ashish Surana, learned Panel Lawyer appearing for respondent No.1 and 2, would support the order impugned.
4. Mr.Shikhar Sharma, learned counsel appearing for respondent No.4, would also support the order impugned.
5. I have heard learned counsel appearing for the parties, perused the order impugned and other documents appended with the writ writ petition.
6. The State Government has allowed the revision preferred by respondent No.4 on the ground that respondent No.4 was Secretary of Gram Panchayat Chewaripali at that

relevant point of time and meeting was presided by the officiating President and other government representatives were present. Respondent No.4 at that time was only Secretary of Gram Panchayat Chewaripali and the decisions were taken by the officiating President and members of Gram Panchayat. Respondent No.4 cannot be individually held responsible for decision taken in the meeting. The petitioner has also ceased to be Sarpanch of Gram Panchayat Chewaripali during the pendency of this writ petition. I do not find any good ground to entertain this writ petition.

7. In view of the matter, the writ petition liable to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-