

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.1965 of 2017

Smt. Usha Verma W/o Shri Dev Prasad Verma Aged About 44 Years
(Expled Sarpanch) Of Gram Panchayat Sudhela, R/o Village Sudhela,
Janpad Panchayat Sudhela, District- Balodabazar-Bhatapara,
Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat,
Mantralaya, Naya Raipur, Chhattisgarh
2. Collector, Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara,
Chhattisgarh
3. S.D.O. Revenue/ Competent Authority, Baloda Bazar- Bhatapara,
District- Baloda Bazar Bhatapara, Chhattisgarh
4. Tahsildar/presiding Officer, Baloda Bazar- Bhatapara, District- Baloda
Bazar Bhatapara, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat, Baloda Bazar- Bhatapara,
District- Baloda Bazar Bhatapara, Chhattisgarh
6. Ramesh Kumar S/o Dharmu Verma Aged About 47 Years (Panch)-
Gram Panchayat- Sudhela Janpad Panchayat- Baloda Bazar, District-
Baloda Bazar-Bhatapara, Chhattisgarh
7. Om Prakash S/o Mohar Das Aged About 30 Years (Panch)- Gram
Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara,
District- Baloda Bazar Bhatapara, Chhattisgarh
8. Kaushal Prasad S/o Aghnu Yadav Aged About 60 Years (Panch)- Gram
Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara,
District- Baloda Bazar Bhatapara, Chhattisgarh
9. Smt. Kiran W/o Shri Laxmi Narayan Chelak Aged About 30 Years
(Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar-
Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
10. Smt. Chandrika Bai W/o Shri Kailash Prasad Aged About 36 Years
(Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar-
Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
11. Smt. Punni Bai W/o Shri Hemram Sen Aged About 52 Years (Panch)-
Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar-
Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
12. Smt. Lata Bai W/o Shri Barat Ram Dhruw Aged About 45 Years (Panch)-
Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar-
Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh

13. Smt. Akti Bai W/o Shri Manharan Sahu Aged About 50 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
14. Smt. Fagun Bai W/o Shri Man Singh Mamhare Aged About 51 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
15. Shri Budhu Ram S/o Shri Khurjhu Ram Bhardwaj Aged About 57 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
16. Smt. Rajeshwari W/o Ramashankar Sen Aged About 26 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
17. Smt. Bismat Bai W/o Shri Parmeshwar Dhruw Aged About 54 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
18. Smt. Sita Bai W/o Shri Ishwar Singh Paikra Aged About 45 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
19. Smt. Pahar Singh S/o Shri Johan Singh Aged About 50 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
20. Smt. Malesiya Bai W/o Shri Punit Ram Rajak Aged About 45 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
21. Shri Dev Prasad S/o Bhikh Ram Verma Aged About 47 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
22. Shri Sagar S/o Shri Somnath Dhruw Aged About 30 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh
23. Shri Harishankar S/o Shri Mansingh Manhare Aged About 50 Years (Panch)- Gram Panchayat- Sudhela, Janpad Panchayat- Baloda Bazar- Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh

----Respondents

For Petitioner : Mr. Ashok Verma and Mr. Gajendra Sahu, Advocates
For State : Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

18/07/2017

(1) The petitioner preferred the dispute under Section 21(4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short, 'the Act of 1993')

before the respondent No.2 and also filed an application under Section 5 of the Limitation Act for condonation of delay in filing the reference as there is delay of 10 days, which has been rejected by respondent No.2-Collector, Balodabazar-Bhatapara by its impugned order dated 28.06.2017 without notice to the other side.

(2) Learned counsel appearing for the petitioner would submit that there is no delay in filing the reference and while passing the impugned order no reason has been assigned by the learned Collector, Balodabazar-Bhatapara.

(3) I have heard learned counsel for the parties and perused the impugned order.

(4) A careful perusal of the document would show that the Sarpanch and Up-Sarpanch may challenge the 'No Confidence Motion' carried out under Section 21(4) of the Act of 1993 within 7 days from the date on which it has been passed. The Collector ought to have considered the delay of ten days in its proper prospective which has not been considered and decided.

(5) Therefore, the impugned order deserves to be and is hereby set-aside. The matter is remitted back to the Collector, Balodabazar-Bhatapara, who in turn, shall issue show cause notice on the application under Section 5 of the Limitation Act for condonation of delay to the other side and to pass afresh order after hearing both the parties as early as possible within a period of three months from the date of receipt of certified copy of this order.

(6) With the aforesaid observation, the writ petition stands finally disposed of.

SD/-

(Sanjay K. Agrawal)
Judge

L/-