

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 246 of 2017

- Smt. Kachra Bai Dhruv W/o Harakh Ram Dhruv, Aged About 56 Years R/o Village Telinsatti, Police Station And Tahsil Dhamtari, District Dhamtari, (Chhattisgarh)

---- Petitioner

Versus

1. The Collector Dhamtari District Dhamtari, (Chhattisgarh)
2. Sub Divisional Officer, (Revenue), Dhamtari, Tahsil And District Dhamtari, (Chhattisgarh)
3. Tahsildar, Dhamtari, Tahsil And District Dhamtari, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Mahendra Dubey, Advocate
For Respondent /State	Mr. UNS Deo, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

3/2/2017

1. Heard.
2. The petitioner was the elected Sarpanch of Gram Panchayat Telinsatti. She has been ousted from the office pursuant to the motion of no confidence passed against her on 07.10.2016.
3. The petitioner preferred a reference application under Section 21(4) of the Panchayat Raj Adhiniyam, 1993, before the concerned Collector on 18.10.2016 along with an application under Section 5 of the Limitation Act for condonation of delay

on submission that because of Dusshera holidays, the Court was closed from 08.10.2016 to 12.10.2016, therefore, an application for obtaining certified copy was filed on 13.10.2016 and thereafter, certified copy was supplied to her on 17.10.2016.

4. It appears the application for grant of certified copy was filed within 07 days of limitation, which was received by the petitioner on 17.10.2016 and thereafter, the reference application was submitted on 18.10.2016, therefore, there was no delay in moving the reference. Even otherwise, the Court or the Tribunal should make all possible endeavour to decide the issue on merits other than dismissing the same on technical grounds [See : **the Collector, Land Acquisition, Anantnag and another Vs. Mst. Katiji and others, (1987) 2 SCC 107**].
5. In view of the above, the impugned order, dismissing the petitioner's reference application, is set-aside and the matter is remitted back to the concerned Collector for deciding the same on merits after hearing the parties concerned.
6. The writ petition is accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mlishra)

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