

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (C) No. 1765 of 2017**

Smt. Sumitra Devi Chauhan, W/o Shri Hiralal Chauhan,
Aged about 43 years, R/o Village-Ghoghari, Post Office
Baasin, Police Station Dabhara, Tahsil Malkharauda, Civil
and Revenue District Janjgir Champa (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Acting through the Secretary,
Panchayat and Rural Development Department,
Government of Chhattisgarh, Naya Raipur, Civil and
Revenue District Raipur (C.G.)
2. Collector Janjgir, Civil & Revenue District Janjgir Champa
(C.G.)
3. Smt. Laxmi Bai Chauhan, W/o Anup Ram Chauhan, aged
about 35 years, Sarpanch Gram Panchayat Ghoghari,
Janpad Panchayat & Tehsil Malkharauda, Civil & Revenue
District Janjgir-Champa (C.G.)

---- Respondents

For Applicant : Mr. Ramesh Nayak, Advocate.
For Respondents No. 1 & 2/State: Mr. S. Majid Ali, Panel Lawyer
For Respondent No. 3 : Mr. N.K. Chatterjee, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/07/2017**

(1) The petitioner has made a complaint before the Collector, Janjgir-Champa under Section 36(3) of Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'Adhiniyam 1993') to remove the respondent No. 3 from the post of Sarpanch, village Ghoghari, in which by order dated 3.2.2017, application for interim relief filed by the petitioner has been rejected, against which instant writ petition has been filed questioning the same.

(2) Learned counsel for the petitioner would submit that the the court below has committed illegality in passing the order impugned which is liable to be set aside.

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

(4) The petitioner's substantive application is pending consideration before the Collector and the interim application has already been rejected; and as respondent No. 3 is an elected candidate on the post of Sarpanch of the concerned village, he cannot be restrained from continuing in his fields unless his application is decided.

(5) In view of above discussion, Collector – Janjgir Champa is directed to hear and decide the petitioner's substantive application expeditiously preferably within a period of three months from the date of receipt of copy of this order.

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

Sd/-

(Sanjay K. Agrawal)
Judge

D/-