

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1970 of 2017

(Arising out of order dated 20-4-2017 in Case No.15/A-89(15)/16-17 of the
learned Additional Collector, Mungeli)

Mohandas Manikpuri, S/o Ganeshdas Manikpuri, aged about 50 years, Sarpanch, Gram Panchayat Kaprikala, Janpad Panchayat Lormi, Tahsil Lormi, Distt. Mungeli (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Panchayat & Social Welfare, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (C.G.)
2. Collector, Mungeli, District Mungeli (C.G.)
3. Sub Divisional Officer (Revenue)-cum-Prescribed Authority, Lormi, District Mungeli (C.G.)
4. Tahsildar, Lormi, District Mungeli (C.G.)
5. Smt. Rama Kurrey, Up-Sarpanch
6. Anant Kumar Khande, Panch, Ward No.16
7. Banshidas Banjara, Panch, Ward No.18
8. Shailesh Soni, Panch, Ward No.9
9. Manoj Khande, Panch, Ward No.1
10. Hemant Kumar Manikpuri, Panch, Ward No.2
11. Smt. Tulsi Bai Sahu, Panch, Ward No.3
12. Narayan Sahu, Panch, Ward No.4
13. Khilawan Kumbhkar, Panch, Ward No.5
14. Smt. Kunti Bai Sahu, Panch, Ward No.6
15. Kanhaiya Lal Kumbhkar, Panch, Ward No.7
16. Smt. Indrani Bai Nishad, Panch, Ward No.8
17. Smt. Poornima Sonkar, Panch, Ward No.10
18. Smt. Santoshi Bai Yadav, Panch, Ward No.11
19. Smt. Rekha Banjara, Panch, Ward No.12

20. Smt. Sunita Bai Goyal, Panch, Ward No.13
21. Smt. Satkumari Bhaskar, Panch, Ward No.14
22. Smt. Samba Bai Yadav, Panch, Ward No.15
23. Smt. Pushpa Joshi, Panch, Ward No.17
24. Soukhidas Bhaskar, Panch, Ward No.20

Respondents No.5 to 24 are R/o Gram Panchayat Kaprikala, Janpad Panchayat Lormi, Tahsil Lormi, District Mungeli (C.G.)

Note : The details about the father/spouse and the age of the respondents No.5 to 24 are not available with the petitioner, however, it is submitted that all of them are the office bearers of the Gram Panchayat, Kaprikala.

---- Respondents

For Petitioner:	Mr. Chandresh Shrivastava, Advocate.
For State/Respondents No.1 to 4: -	Mr. Arun Sao, Deputy Advocate General along with Mr. Neelam Namdeo Ekka, Collector, Mungeli and Mr. Sharif Mohammad, Additional Collector, Mungeli.
For Respondent No.5:	Mr. Govind Ram Miri and Mr. Basant Kaiwartya, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/08/2017

1. The petitioner was elected Sarpanch of Gram Panchayat Kaprikala, Janpad Panchayat Lormi. No confidence motion was moved, tabled, discussed and carried out against the petitioner against which he raised dispute under Section 21 (4) of the Chhattisgarh Panchayat Raj Adhiniyam before the Collector, Mungeli. The Collector did not decide the dispute and referred the matter to the Additional Collector who dismissed the dispute by the impugned order against which this writ petition has been preferred.
2. Learned counsel for the petitioner would submit that the Collector is not empowered to transfer the dispute to the Additional Collector.

Even otherwise, the Additional Collector has not passed reasoned and speaking order and cursorily and causally, the dispute has been dismissed by the impugned order which is liable to be dismissed.

3. Learned State counsel and learned counsel appearing on behalf of respondent No.5 would oppose the submission and support the impugned order.
4. I have heard learned counsel for the parties.
5. The learned Additional Collector did not address the issues raised by the petitioner and in a very casual and cavalier manner without passing any reasoned and speaking order as to whether no confidence motion has passed validly or not, the Additional Collector has passed the order impugned. Neither the matter has been considered properly nor it has been adjudicated in accordance with the provisions contemplated in Section 21 (4) of the Chhattisgarh Panchayat Raj Adhiniyam. Therefore, the impugned order is set aside and the matter is remitted back to the Collector, Mungeli who will consider the dispute and after hearing the parties will pass reasoned and speaking order in accordance with law, within a period of four months from the date of receipt of a copy of this order.
6. Presence of the officers is dispensed with.
7. With this observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge