

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.2356 of 2017

1. Sarpanch, Gram Panchayat Khainda (D-Block) Janpad Panchayat and Tahsil Baloda Bazar, through the Sarpanch Firoz Kosle, S/o Ganga Ram Kosle, aged about 27 years, resident of Village Khainda(D) Block Janpad Panchayat Baloda Bazar, Civil and REvenue District Balodabazar/Bhatapara (CG).

2. Firoz Kosle, the Sarpanch, Gram Panchayat, Khainda (D), S/o Ganga Ram Kosle, aged about 27 years, resident of Village Khainda (D), Block Janpad Panchayat & Tahsil Baloda Bazar, Civil and Revenue District Baloda Bazar/Bhatapara (CG).

---- Petitioners

Versus

1. The Chief Executive Officer, Janpad Panchayat Baloda Bazar, Civil and Revenue District Baloda Bazar/Bhatapara (CG).

2. State of Chhattisgarh, through the Secretary, Department of REvenue Secretariat, New Rajdhani, RAipur, District Raipur (CG).

3. Collector, Baloda Bazar, District Baloda Bazar/Bhatapara (CG).

4. The Sub Divisional Officer (Revenue), Balodabazar, District Balodabazar/Bhatapara (CG).

5. The Secretary, Gram Panchayat, Khainda (D), Tahsil Baloda Bazar, District Balodabazar-Bhatapara (CG).

--- Respondents

For Petitioners	:	Mr. Janak Ram Verma, Advocate
For State	:	Mr. Arun Sao, Deputy Advocate General

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

30/08/2017

(1) Learned counsel appearing for the petitioner would submit that the petitioner No.2 has been removed from the post of Sarpanch, Gram Panchayat Khanda (D), Janpad Panchayat Baloda Bazar by the Sub Divisioinal Officer (Revenue), Balodabazar on 08.08.2017 by exercising the power under Section 40 of the Chhattisgarh Panchayat Raj

Adhiniyam, 1993 and thereafter, memo dated 11.08.2017 has been issued by the Chief Executive Officer, Janpad Panchayat, Baloda Bazar, Bhatapara for appointment of officiating Sarpanch against that post. Against the order of Chief Executive Officer, this writ petition has been preferred. He would further submit that he may be allowed to prefer an appeal before the appellate authority in accordance with law.

(2) Prayer appears to be fair and reasonable.

(3) Since the post of Sarpanch in Gram Panchayat Khanda (D), Janpad Panchayat, Baloda Bazar is lying vacant and the proceeding for appointment of officiating Sarpanch on the said place has already been initiated, which cannot be stayed. However, the petitioner No.2 has right to prefer an appeal before the appellate authority against the order of his removal from the post of Sarpanch. The petitioner is permitted to prefer an appeal before the appellate authority. If such appeal is filed by the petitioners before the appellate authority and in that event the appellate authority shall consider and decide the same, expeditiously.

(4) With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-