

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3200 of 2017**

Smt. Gomti Sahu, W/o. Shri Gopi Sahu, aged about 36 years,
R/o Village & Post Tusma, P. S. Shivrinarayan, Tehsil Navagarh,
Civil & Revenue District Janjgir Champa (Chhattisgarh).

---Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary Panchayat & Rural Development, Government of Chhattisgarh, Mahanadi Bhawan, New Raipur, Civil & Revenue District Raipur (Chhattisgarh).
2. Additional Commissioner, Bilaspur Division, Bilaspur, Civil & Revenue District Bilaspur (Chhattisgarh).
3. Collector, District Janjgir Champa (Chhattisgarh)
4. Sub-Divisional Officer (Revenue) Janjgir, Civil & Revenue District Janjgir Champa (Chhattisgarh).
5. Janpad Panchayat, Navagarh through C.E.O. Janpad Panchayat, Navagarh.
6. Smt. Sunita Kathautiya, W/o. Shri Dhaneshwar Kathautiya, aged about 31 years, Sarpanch Gram Panchayat Tusma, Janpad Panchayat Navagarh, R/o. Village and Post Tusma, P.S. Shivrinarayan, Tehsil Navagarh, Civil & Revenue District Janjgir-Champa (Chhattisgarh).

---Respondents

For Petitioner : Mr. Amit Sharma, Advocate.

For Respondents/State : Mr. Ashish Surana, Panel Lawyer.

For Respondent No.6 : Mr. Ramesh Kumar Nayak, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

29.11.2017

1. The petitioner herein was removed from the post of Sarpanch,

Gram Panchayat Tusma, District Janjgir-Champa. Feeling aggrieved against the order dated 22.05.2017 passed by Sub-Divisional Officer (Revenue), Janjgir-Champa, she preferred appeal before the Collector, Janjgir- Champa. The Collector by its order dated 04.09.2017 allowed the appeal and matter was remanded back to the Sub-Divisional Officer (Revenue), Janjgir-Champa. The petitioner again preferred appeal before the Additional Commissioner, Bilaspur against order dated 04.09.2017 of the Collector. The Additional Commissioner, Bilaspur by its order dated 07.09.2017 stayed the operation of order passed by the Collector, against which respondent No.6 has preferred writ petition being Writ Petition (C) No.2576 of 2017 before this Court, in which this Court by order dated 19.09.2017 directed to the Additional Commissioner, Bilaspur to decide the application for interim relief after hearing both the parties. The Additional Commissioner after hearing the parties rejected the application for interim relief by order dated 17.10.2017. Against that order, the petitioner preferred writ petition before this Court being W.P.(C) No. 3048 of 2017, which was disposed of by this Court on 15.11.2017 directing the Additional Commissioner to consider and decide the revision petition by 05.12.2017 positively.

2. Meanwhile, on 08.11.2017 Chief Executive Officer, Janpad Panchayat, Navagarh directed the Secretary, Gram Panchayat Tusma, Janpad Panchayat, Navagarh to do needful for handing over the charge of post of Sarpanch, Gram Panchayat Tusma, against which this writ petition under Article 226 of the Constitution of India

has been preferred by the petitioner.

3. Mr. Amit Sharma, learned counsel appearing for the petitioner would submit that interim relief is unsustainable and bad in law.

4. Learned counsel for the respective respondents would oppose the submission made by learned counsel for the petitioner.

5. I have heard the learned counsel for the parties, considered their rival submissions made herein above and also gone through the impugned order with utmost circumspection.

6. The petitioner's application for interim relief has already been rejected by Additional Commissioner by order dated 17.10.2017 and writ petition filed before this Court being WPC No.3048 of 2017 against that order has already been disposed of by this Court on 15.11.2017 directing the Additional Commissioner, Bilaspur Division, Bilaspur to conclude and dispose of revision petition by 05.12.2017 positively.

7. In view of aforesaid factual position, I do not find any merit in the instant writ petition. Consequently the writ petition deserves to be and is accordingly dismissed. No costs.

Sd/-
(Sanjay K. Agrawal)
Judge