

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1629 of 2017**

- Dwarika Prasad S/o Dashrath Aged About 42 Years Elected Panch Of Ward No. 11 [& Executing Post Of Sarpanch Of Gram Panchayat Jewra(S)] R/o Village Adhiyar-Khor Gram- Panchayat-Jewara (S), Tahsil Nawagarh, District Bemetara (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Chhattisgarh State Election Commission Raipur District Raipur (Chhattisgarh)
2. The Collector Cum District Election Officer Bemetara, District Bemetara, (Chhattisgarh)
3. The Sub Divisional Officer (Revenue), Nawagarh, District Bemetara (Chhattisgarh)
4. The Tahsildar, Nawagarh, District Bemetara (Chhattisgarh)
5. Smt. Santoshi Shital Dhivre W/o Shital Kumar Dhivre Aged About 26 Years R/o Gram Panchayat Jewra (S) Tahsil Nawagarh, District Bemetara (Chhattisgarh)

---- Respondents

For Petitioner:	Mr. Ravi Mahiswari, Advocate
For State:	Mr. D.R. Minj, Dy. Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.06.2017**

1. The grievance of the Petitioner is that the Respondent No.5 was the elected Sarpanch of the Gram Panchayat Jewra(S). No confidence motion was initiated against the said Sarpanch that went against Respondent No.5 against which he has preferred Writ Petition i.e. Writ Petition (C) No. 313/2017. Because of the

no confidence motion being passed against Respondent No. 5, the present Petitioner was elected as executive Sarpanch till a regular Sarpanch was elected. Now, vide Notification dated 23.05.2017 the Respondent No.1 has issued notification for fresh election for the post of Sarpanch of the Gram Panchayat Jewra(S). The sole grievance of the Petitioner is that pending the Writ Petition preferred by the Respondent No.5, the Petitioner should be permitted to remain Executive Sarpanch of the village Panchayat Jewra(S) and no fresh election should be held for the post of Sarpanch.

2. This claim of the Petitioner is not sustainable for the reason that the Petitioner does not have any substantive right of being Sarpanch of the said village Panchayat. He has been elected as Executive Sarpanch in the light of the removal of Respondent No.5. Moreover, it should have been grievance of Respondent No.5, who has not preferred any application as it appears to be.
3. Therefore, the present Writ Petition in its present form is totally misconceived and devoid of merits.
4. Accordingly, the present Writ Petition stands dismissed.

Sd/-
(P. Sam Koshy)
VACATION JUDGE