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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2063 of 2016**

(Arising out of order dated 01.08.2016 in Case No. 28-A/89 of the Collector,
Mahasamund)

1. Jeevanlal Dhruv S/o Banjaru Ram Dhruv, Aged About 24 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
2. Omprakadh, S/o Sukhruram Yadav, Aged About 40 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
3. Shriram Dhruv, S/o Sukhram Yadav, Aged About 30 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
4. Panthram Dhruv, S/o Sonuram, Aged About 30 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
5. Smt. Dulorin, W/o Nandkumar, Aged About 28 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
6. Smt. Neera Bai, W/o Badri Prasad, Aged About 24 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
7. Smt. Parmilla Bai, W/o Umesh Bharti, Aged About 26 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
8. Smt. Tilaka Bai, W/o Naresh Dhruv, Aged About 40 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
9. Smt. Dropati Bai, W/o Naresh Dhruv, Aged About 24 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
10. Smt. Ishwari Bai, W/o Shrawan Yadav, Aged About 24 Years R/o Gram Panchayat Tusda, Block Bagbahra, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat & Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Collector- Cum- Prescribed Officer, (Panchayat) Mahasamund, District Mahasamund, (Chhattisgarh)

3. Sub Divisional Officer, (Revenue), Mahasamund, District Mahasamund, (Chhattisgarh)
4. Nayab Tahsildar, Bagbahara, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
5. Tahsildar, Bagbahra, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)
6. Smt. Hemlata Sahu, W/o Padum Sahu, R/o Gram Panchayat Tusda, Block Bagbahar, Police Station Khalvari, Tahsil Bagbahra, District Mahasamund, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Manoj Paranjpe, Advocate.
For State	:	Shri Ashish Surana, Panel Lawyer.
For Respondent No. 6	:	Shri V.K. Pandey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/07/2017

(1) The petitioners are the Panchas of Gram-Panchayat Tusda, District Mahasamund. On 05.07.2016 all the Panchas of Gram-Panchayat Tusda, participated and voted in favour of motion of no confidence against the respondent No. 6 and it was duly tabled & discussed and, thereafter motion of no confidence was passed against the respondent No. 6.

(2) On 08.07.2016 respondent no. 6 raised a dispute under Section 21 (4) of the C.G. Panchayat Raj Adhiniyam, 1993 (henceforth "Adhiniyam, 1993") before the Collector, Mahasamund only impleading the Sub-divisional Officer mahasamund as party respondent.

(3) The Collector Mahasamund without impleading and without noticing the present petitioners, allowed the dispute setting aside the motion of no confidence, which has already been carried out by the majority, against the respondent No. 6, against which the instant writ

petition has been filed questioning the same.

(4) Learned counsel for the petitioners submits that at their instance no confidence motion was considered and passed, therefore, they were necessary party in dispute and the dispute could not have been considered without notice to the petitioners.

(5) On the other hand, counsel for the State supported the impugned Order.

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

(7) It is not in dispute that no confidence motion was tabled and discussed at the instance of the petitioners and they have voted against the respondent no. 6, therefore, presence of the petitioners were necessary in order to adjudicate the dispute raised by the respondent no. 6 herein and, as such, in their absence, dispute could not have been decided by the Collector. Therefore, impugned Order passed by the Collector is set aside, matter is restored to the file of Collector Mahasamund who will issue notice to all the parties and thereafter hear the dispute in accordance with law within a period of 3 months from the date of receipt of copy of this Order.

(8) Accordingly, the writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

