

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.57 of 2018

Chaitram Suryakant, S/o Shri Puniram Suryakant, aged about 66 years, Sarpanch, Gram Panchayat, Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Panchayat Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The Collector, Baloda-Bazar, Bhatapara (C.G.)
3. The Sub Divisional Officer & Prescribed Officer, Bilaigarh, District Baloda Bazar- Bhatapara (C.G.)
4. Tahsildar, Bilaigarh, District Baloda Bazar- Bhatapara (C.G.)
5. Chief Executive Officer, Janpad Panchayat, Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
6. Bhagwat Sahu, S/o Rewaram Sahu, aged 38 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
7. Smt. Sushila, W/o Manharan, aged 40 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
8. Smt. Chameli, W/o Gendram, aged 31 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
9. Smt. Rajkumari, W/o Dileram, aged 32 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
10. Smt. Gunjbai, W/o Biharlal, aged 34 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
11. Smt. Kalawati, W/o Jeevandas, aged 26 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
12. Smt. Sumitra Bai, W/o Gautam, aged 35 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
13. Smt. Meena Bai, W/o Satyendra Kumar, aged 32 years, Panch, Gram

Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)

14. Laharam, S/o Deendayal, aged 48 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
15. Balram, S/o Ganeshram, aged 32 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
16. Tejnarayan, S/o Bisahuram, aged 35 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
17. Uderam, S/o Babulal, aged 37 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
18. Sundarlal, S/o Tiharuram, aged 43 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
19. Smt. Santoshi Miri, W/o Manbodh, aged 33 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
20. Ashok Kumar, S/o Kamtaprasad, aged 31 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
21. Smt. Urmila Bai, W/o Lt. Dasrath Yadav, aged 60 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
22. Smt. Bimlabai, W/o Mahesh Kumar, aged 33 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
23. Uderam, S/o Ghasiya, aged 32 years, Panch, Gram Panchayat Dharasinw, Block & P.S. Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)

---- Respondents

For Petitioner: Mr. Sushil Dubey, Advocate.

For Respondents No.1 to 4 / State: -

Mr. Shashank Thakur and Mr. Ratan Pusty, Govt. Advocates.

For Respondents No.6, 15 and 16: -

Mr. Jitendra Nath Nande, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/01/2018

1. Heard.
2. Learned counsel for the petitioner submits that meeting of no confidence motion has been convened on 10-1-2018 and respondent No.6 has kidnapped respondents No.7 to 23 and has taken them to an unknown place which is contrary to law and in that event, fair election is not possible.
3. Learned State counsel was directed to seek instructions on the complaint made by the petitioner on 4-1-2018 and after instructions, they submit that the Station House Officer of the concerned police station has inquired from the wives of respondents No.14 and 17 in which they have stated that respondents No.14 and 17 have gone to Jagannath Puri for pilgrimage on their own will as such they have not been kidnapped.
4. However, learned counsel appearing for respondents No.6, 15 and 16, would submit that respondents No.15 and 16 have not been kidnapped and they are present before this Court as such, they have not been kidnapped.
5. There is no material on record that respondents No.7 to 23 have been kidnapped. However, the Station House Officer of the concerned police station shall take the statements of remaining Panchas within a period of seven days from today. I do not find any ground to interfere with the meeting of no confidence motion. However, the Sub Divisional Officer, Bilaigarh may ensure that no confidence motion is conducted fairly and objectively and each and every member of the Panchayat participating in the meeting is allowed to speak, if they wish to speak, and it shall be held without pressure from any of the

persons including the petitioner and respondent No.6.

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

Sd/-
(Sanjay K. Agrawal)
Judge

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