

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.2047 of 2018

Smt. Shanti Bai Paikara wife of Dasharu Paikara, aged about 49 years, Post Sarpanch, Gram Amodi, Post Kargi, P.S. Girodhपुर, Tahsil Kasdol, District Balodabazar-Bhatapara (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Panchayat & Rural Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Collector, Balodabazar-Bhatapara (CG)
3. Sub Divisional Officer (Revenue) & Prescribed Authority, Tahsil Kasdol, District Balodabazar-Bhatapara (CG)
4. Tahsildar/Presiding Officer, Tahsil Kasdol, District Balodabazar-Bhatapara (CG)
5. Gram Panchayat Amodi, Through : Its Secretary, Gram Panchayat Amodi, Post Kargi, P.S. Girodhपुर, Tahsil Kasdol, District Balodabazar-Bhatapara (CG)

---- Respondents

For Petitioner	: Mr.Yogesh Kumar Chandra, Advocate
For Respondents No.1 to 4	: Mr.R.N.Pusty, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

8/8/2018

1. This writ petition is directed against the order dated 15.3.2018 (Annexure P/1) passed by respondent No.2 by which the petitioner's dispute under Section 21(4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (hereinafter called as 'the Act of 1993') has been rejected.
2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law. He relies upon the order passed by this Court in **Smt. Gulab Bai Maitri v. State of Chhattisgarh and others** on 21.6.2018 (Annexure P/11) in which the writ petition was directly entertained.
3. Learned Government Advocate for respondents No.1 to 4/State would submit that order is revisable under the Chhattisgarh

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Panchayats (Appeal and Revision) Rules, 1995 before the Commissioner, therefore, the writ petition is not maintainable and the petitioner be relegated to the remedy of revision.

4. I have heard learned counsel for the parties.

5. In **Smt. Gulab Bai Maitri** (supra), the writ petition was entertained on the ground that election for the post of Sarpanch was already notified as per Section 38(1) of the Act of 1993 on the date of entertaining the writ petition duly recorded in the order-sheet. Order of that case is not applicable to the facts of the present case as in this case election has not been said to be notified.

6. Be that as it may, the petitioner is at liberty to prefer a revision before the Commissioner. If such a revision is preferred within 7 days from today, the Commissioner shall consider and decide the same within further four weeks from its presentation after hearing the affected parties.

7. With the aforesaid observation, the writ petition finally stands disposed of. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-