

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2210 of 2018

- Zila Panchayat Gariaband, Through Its President, Smt. Shweta Sharma, Aged About 39, W/o Sanjay Sharma, Gariaband, District Gariaband Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan New Mantralaya Naya Raipur Chhattisgarh
2. Director Panchayat and Prescribed Authority, Directorate Of Panchayat , 36 - C- III, Block – II, Second Floor, Indrawati Bhawan Naya Raipur Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Gariband, District Gariaband Chhattisgarh

---- Respondent

For Petitioner	Shri Varun Sharma, Advocate
For Respondent-State	Shri Shashank Thakur, GA
For Respondent No.3	Shri Akhilesh Kumar, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

10/10/2018

1. The petitioner Jila Panchayat convened a meeting of the general body on 28.02.2018 to consider certain issues, which did not include the issue of grant of fishing rights to the eligible cooperative society for carrying out fishing activity in Arpathar Irrigation Tank. In the said meeting, the general body decided to grant lease of fishing rights to Jai Durge Adiwasi Matsya Cooperative Society, Taitalkhuti. The CEO of the Jila Panchayat moved before the Director, Panchayat drawing attention of the Authority to certain irregularities committed by the Jila

Panchayat while passing the resolution in favour of Jai Durge Adiwasi Matsya Cooperative Society, Taitalkhuti. Amongst other objections, two objections are the bone of contention between the parties, firstly that Jai Durge Adiwasi Matsya Cooperative Society, Taitalkhuti is not registered for the area of the subject tank and secondly the issue concerning grant of fishing rights was not published to be taken for meeting in the agenda item published on 20.02.2018. The Director, Panchayat passed an order on 25.05.2018 under Section 85 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 staying the effect and operation of the subject resolution and the said order of the Director, Panchayat has been approved by the State Government vide its order dated 19.06.2018 (Annexure-P-1).

2. Without entering into the merits of the dispute, since either of the cooperative society is not before this Court nor they have been arrayed as party respondent, ends of justice would be served if the whole issue is remitted back to the Jila Panchayat for convening fresh meeting in accordance with law to consider the issue of grant of fishing rights over Arpathar Irrigation Tank in accordance with the extant government policy in this regard, so that the Jila Panchayat does not lose its revenue.
3. Needless to say, since this Court is remitting back the whole issue to consider afresh, the impugned orders shall not be acted upon by any of the party.
4. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge