

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2744 of 2018**

- Manoj Kumar Patel S/o Govind Prasad Patel, Aged About 45 Years, Up Sarpanch Of The Gram Panchayat, Dhuma, Tehsil And District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Panchayat, Naya Raipur, Tehsil And District Raipur Chhattisgarh.
2. Sub Divisional Officer, Office Of The Sub Division Bilaspur, Tehsil And District Bilaspur Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Belha, Tehsil Belha, District : Bilaspur, Chhattisgarh
4. Kishore Kumar Patel, S/o Late Namo Prasad Patel, Aged About 46 Years R/o School Chowk Dhuma, Police Station Sirgitti, Tehsil And District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner
For Respondent /State

Mr. Rupesh Shrivastava, Advocate
Mr. Avinash Singh, Panel Lawyer

Order On Board By**Hon'ble Mr.Justice Prashant Kumar Mishra****3/10/2018**

1. Heard.
2. During incarceration of the regular Sarpach of Gram Panchayat, Dhuma (respondent No.4), the petitioner was appointed officiating Sarpanch, however, after release of respondent No.4 on bail by the High Court vide MCRC No.4886/2018, the

competent authority has issued the communication dated 12.9.2018-Annexure P/1, directing the petitioner to hand over the charge of the office of Sarpanch of the concerned Gram Panchayat to respondent No.4.

3. Learned counsel for the petitioner would argue that respondent No.4 is facing serious charges under Sections 363, 506-B, 354-A of IPC and under Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012, therefore, handing over the charge of the office of Sarpanch to such a person is not in the interest of the Gram Panchayat.
4. It is for the competent authority to look into the matter and pass orders, if necessary, under Section 39 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, however, till such action is initiated against respondent No.4, the petitioner cannot withhold handing over charge to respondent No.4, because, he is a duly elected Sarpanch and at present, there is no order by any authority against him either suspending or removing him from the office.
5. The petitioner is only an officiating Sarpanch having no right to hold the post, therefore, the writ petition deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge