

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 351 of 2019**

- Rishabh Agrawal S/o Vinod Kumar Agrawal Aged About 30 Years  
R/o Ward No. 7, Sakti, Police Station Sakti, District Janjgir  
(Champa), Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of  
Food And Public Distribution Mahanadi Bhawan, New Raipur,  
Raipur Chhattisgarh.
2. The Collector District Janjgir Champa Chhattisgarh
3. The Food Officer Office Of Collector (Food Division), District  
Janjgir Champa Chhattisgarh.
4. Gram Panchayat Borda, Through The Secretary, Janpad  
Panchayat, Sakti, District Janjgir Champa, Chhattisgarh.

**---- Respondent**

---

|                       |                                 |
|-----------------------|---------------------------------|
| For Petitioner        | Mr. Prateek Sharma, Advocate    |
| For Respondent /State | Mr. Avinash Singh, Panel Lawyer |

---

**Order On Board By****Hon'ble Mr. Justice Prashant Kumar Mishra****4/2/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that for  
opening a Retail Outlet, proceeding for issuance of NOC was

pending before the Collector, who in turn, had summoned NOC from the concerned Department through SDM. The SDM submitted a report recommending for issuance of NOC in the petitioner's favour. However, the Food Officer, Janjgir-Champa has passed the order -Annexure P/1 remitting the matter back to the SDM for the reason that while submitting the recommendation in the petitioner's favour, the Gram Panchayat's NOC was earlier invited.

3. Learned counsel for the petitioner would refer to the Gram Panchayat's resolution-Annexure P/8 dated 22.1.2019, in which, despite the majority having recommended issuance of NOC in the petitioner's favour, the Sarpanch has not agreed with the majority and this open disagreement of the Sarpanch may prevail upon the Collector or the Food Officer for denying NOC to the petitioner.
4. It appears Rule 3(4) of the Madhya Pradesh/Chhattisgarh Panchayat (Procedure of Meeting and Conduct of Business), Rules, 1994 (in short "the Rules, 1994") provides that a resolution of the Gram Panchayat has to be passed by majority and the law does not contemplate any veto power in favour of the Sarpanch or any other office bearer .
5. It goes without saying that once the majority of the Panchas have passed the resolution in accordance with the Rules, 1994, the same has to be treated to be duly and lawfully passed.
6. Considering the nature of dispute, the writ petition is disposed

of with direction to the Collector, Janjgir-Champa to consider issuance of NOC in the petitioner's favour by treating the resolution-Annexure P/8 dated 22.1.2019 of Gram Panchayat, Borda, as validly passed resolution in the petitioner's favour.

Sd/-

**(Prashant Kumar Mishra)**

Judge

Shyna