

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1012 of 2019**

Bansidhar Jangde, S/o. Shri Kartik Ram Jangde, Aged About 40 Years, Working As Sthapann Sarpanch, Gram Panchayat Hirri, R/o. Ward No.15, Village Hirri, Tahsil Sarangarh, Disrtict- Raigarh, Civil & Revenue District- Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Secretary Panchayat & Rural Development Department, Mahanadi Bhavan, Atal Nagar, New Raipur, Chhattisgarh.
2. The Additional Commissioner, Bilaspur, Division Bilaspur, District- Bilaspur, Chhattisgarh.
3. The Collector, Raigarh, District- Raigarh, Chhattisgarh.
4. The Sub Divisional Officer (Revenue) Cum Prescribed Officer, Sarangarh, District- Raigarh, Chhattisgarh.
5. The Tahsildar, District- Sarangarh, District- Raigarh, Chhattisgarh.
6. The Chief Executive Officer, Janpad Panchayat Sarangarh, District- Raigarh, Chhattisgarh.
7. Nirdhan Bhardwaj, S/o. Thibu Bhardwaj, Aged About 41 Years, Ex-Sarpanch, R/o. Village Hirri, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Manoj Kumar Sinha, Advocate
For State/Respondents No.1 to 5	:	Mr. Amrito Das, Dy. A.G.
For Respondent No.7	:	Mr. Ravi Maheshwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.08.2019

Heard

1. The short facts of this case are that No Confidence Motion was carried out against the respondent No.7 on 17.12.2018 by the prescribed authority, thereafter, the Sarpanch who was removed against whom the no confidence was passed namely Nirdhan Bhardwaj filed a reference under Section 21(4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 before the Collector.

The Collector rejected the reference. Meaning thereby, the No Confidence Motion was upheld. Against such rejection, revision was filed by the respondent No.7 before the Commissioner and the Commissioner in such revision by an interim order dated 02.03.2019 had stayed the effect and operation of the order of the Collector, whereby the No Confidence Motion which was passed against him was kept in abeyance. In the meanwhile, since the petitioner took over the charge as Incharge Sarpanch has filed this petition against the interim stay granted by the Commissioner.

2. Perusal of the record shows that this Court by order dated 12.03.2019 has passed the interim order in favour of the petitioner whereby the effect & operation of the impugned order dated 02.03.2019 has been stayed. By effect of that the original No Confidence Motion which was passed was kept alive. In the facts of this case, when the original revision petition is already pending adjudication before the Commissioner, it is directed that the Additional Commissioner Bilaspur shall decide the original revision bearing No.17/2018-19, wherein the impugned order has been passed within a period of 45 days from the date of presentation of this order. In the meanwhile, till such revision is decided on merit, the interim order dated 02.03.2019 passed by the Commissioner shall not be given effect to.
3. With such observation, the petition is disposed of.

Sd/-
Goutam Bhaduri
Judge