

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2823 of 2019**

- Rajkumar Sahu S/o Madhav Ram Sahu Aged About 50 Years Sarpanch Gram Panchayat Agesara, R/o Gram Panchayat Agesara, Janpad Panchayat Patan, Tahsil Patan, District Durg, Chhattisgarh (Non Applicant No. 1)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Collector, Durg District Durg Chhattisgarh (Non Applicant No. 11),
2. Commissioner Durg Division, Durg, District Durg Chhattisgarh
3. Ganeshiya Bai W/o Sukhit Ram Aged About 40 Years (Panch) (Non Applicant No. 2)
4. Gopilal Sahu S/o Late Anak Ram Sahu Aged About 45 Years (In Charge Sarpanch) (Applicant)
5. Bhanuram S/o Sadaram Aged About 42 Years (Non Applicant No. 3)
6. Kusum Bai Sahu W/o Sukhnand Aged About 37 Years (Panch) (Non Applicant No. 4)
7. Sato Bai Patel W/o Girdhar Aged About 38 Years (Panch) (Non Applicant No. 5)
8. Chandrahash S/o Latkhor Aged About 46 Years (Panch) (Non Applicant No. 6)
9. Shanti Bai Patel W/o Sukhut Patel Aged About 38 Years (Panch) (Non Applicant No. 7)
10. Shailu Patel W/o Poshan Kumar Aged About 35 Years (Up Sarpanch) (Non Applicant No. 8)
11. Rajendra Kumar Sahu S/o Jethuram Sahu Aged About 46 Years (Panch) (Non Applicant No. 9)
12. Narendra Sahu S/o Awadh Ram Sahu Aged About 43 Years (Panch) (Non Applicant No. 10)

All Respondents No.3 to 12 are R/o Gram Panchayat Agesara, Tahsil Patan, District Durg Chhattisgarh

---- Respondents

For Petitioner : Shri Praveen K. Dhurandhar, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/08/2019

1. Heard.
2. It is contended that the petitioner was elected Sarpanch, against him a no confidence motion was moved, therefore, a reference was made under Section 21 (4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam, 1993). It is stated that the Collector has set aside the entire process of no confidence by an order dated 27.07.2019. Subsequently, the said order was subject of challenge before the Commissioner in a revision and the Commissioner by an interim order dated 02.08.2019 has stayed the order of the Collector.
3. Learned counsel for the petitioner submits that the provisions of Section 21 (4) of the Adhiniyam, 1993 gives the order of the Collector a finality, therefore, the Commissioner would not be entitled to entertain the revision under the Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995. He would further submit that only six months tenure is left of the petitioner, therefore, without prejudice to the right of the petitioner as to the maintainability of the petition before the Commissioner, the Commissioner may be directed to decide the revision within a stipulated time.
4. Learned State counsel submits that the issue with respect to the attaining the

finality of the order passed under Section 21 (4) of the Adhiniyam, 1993 is pending before the full Bench of this High Court, wherein the arguments have been heard.

5. Considering the submission of the State counsel, without any observation on merits, at this stage, since it is contended that the tenure of the petitioner is left out only for a period of six months, the Commissioner is directed to decide the case bearing No.205/A89/2018-2019 within a period of 30 days from the date of receipt of copy of this order.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu