

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 4148 of 2019

Devendra Singh S/o Late Ramsubhag Singh, aged About 55 Years, R/o Infront Of Jutmil Street, Ward No. 31, Raigarh, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary of Ministry of Rural Administration and Development, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Collector Raigarh, District Raigarh Chhattisgarh.
3. Commissioner Nagar Palik Nigam, Raigarh, District Raigarh Chhattisgarh.
4. Deputy District Election Officer Raigarh, District Raigarh Chhattisgarh.
5. District Election Officer Raigarh, District Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Shri Vivek Kumar Tripathi, Advocate.
For State	:	Shri Jitendra Pali, Deputy Advocate General.
For Respondent 3	:	Shri Sudip Kumar Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26.11.2019

1. Challenge in the present Writ Petition is to the order dated 28.09.2019 (Annexure P/1) whereby reservation of Wards of the Municipal Corporation, Raigarh, was determined. The Wards have been reserved stating it to be in accordance with the Chhattisgarh Municipalities (Reservation of Wards for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women), Rules, 1994 (in short, the Rules, 1994).
2. The primary challenge to the said reservations made, by the petitioner, was stating that there is a total non compliance of the provisions of the Rules, 1994.
3. The respondents were called upon to submit their reply and along with reply, the respondents have produced documents by which it would reveal that there were publications made in two daily newspaper having wide circulation in the area so far as the meeting to be held on 25.09.2019 for determining reservation of Wards is concerned, however, for some

reasons, the meeting could not be convened on 25.09.2019 and therefore, the date was adjourned for 28.09.2019. The change of date also was published in the daily newspaper highlighting the fact that date has now been changed for 28.09.2019.

4. For ready reference, it would be relevant to quote Rules 5 to 7 of the Rules, 1994 which deals with the issue:

“5.Prescribed authority for reservation.- The Authority prescribed by the State Government shall be authorised for making reservation of wards. The date on which the reservation is to be made by the prescribed authority a notice of that date, place and time shall be published in two local dairy news papers, having circulation in the area concerned and copy of notice shall be pasted on the Notice Board of the Collector's Office, on the Notice Board of the Office of the Municipality and on the conspicuous places of wards, so that the citizens those who wants to be present at the time of reservation process, may remain present. The Prescribed authority shall complete the reservation process in the presence of the citizen.

6.Reservation process to be recorded in writing.- The Prescribed authority shall record in writing the process adopted for reservation and a register for every municipality shall be kept permanently in which it shall be mentioned that when and which wards have been reserved for which category, so that at the time of drawing lot for the subsequent elections, rotation system may be adopted in making reservations.

7.The prescribed authority to acquaint the State Government regarding reservation.- Immediately after making the reservation of wards the Prescribed Authority shall send the information to this effect to the State Government and the State Government shall publish the list of reserved wards in the Madhya Pradesh Gazette and the list of reserved wards shall also be pasted on the Notice Board of the office of the Collector and the Municipality.”

5. A plain reading of the aforesaid rule provision itself clearly stipulates the manner in which a proceeding has to be drawn for reservation of Wards.
6. Perusal of documents enclosed along with the reply of the State, it would reveal that there has been subsequent publications made in the daily newspaper as is required under the Rules so far as date by which the reservation of the Wards had to be done. The document also reveal that change of date of meeting was also duly published in the daily newspaper. That apart, the reply also is attached with a document dated 25.09.2019 whereby the date was changed from 25.09.2019 to 28.09.2019. The authorities concerned were specifically instructed for affixing of the notice at conspicuous place. In addition to all these, the respondents State has also produced the minutes of the meeting held on 28.09.2019 which again would reveal that large number of citizens of the area were present in the meeting and they had fully participated in the meeting that was held on 28.09.2019. There does not seem to have any objection or opposition by any of the persons who were present in the meeting both in respect of procedure followed and also in respect of the rule provision as it stands.
7. Given the aforesaid reply of the respondents and the enclosures enclosed therewith, this court is of the opinion that the respondent authorities have sufficiently produced before the court the documents with which it could be said that due process of law, as is envisaged under the Rules, 1994, has been complied with and there does not seem to be any illegality or non compliance of the Rules, as was required.
8. The writ petition thus fails and is rejected.

Sd/-
(P. Sam Koshy)
Judge