

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4397 of 2019**

1. Anil Yadav S/o Shri Seshman Yadav Aged About 35 Years R/o Village- Pathri, P.S.- Balrampur, Janpad Panchayat - Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh
2. Kishundew Yadav S/o Late Ganesh Yadav Aged About 38 Years R/o Village- Champapur, P.S.- Balrampur, Janpad Panchayat- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through- Secretary Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh
2. The Collector Balrampur-Ramnujganj, District- Balrampur-Ramnujganj, Chhattisgarh
3. The Sub Divisional Officer (R) Balrampur, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. K. Yadav,, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG with Mr. P. Acharya, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/12/2019**

1. The challenge in the present writ petition is to the notification dated 16.10.2019 issued under the Provisions of the Section 129 B (1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.
2. Counsel for the petitioners submits that in the petition submits that when the earlier notification dated 28.09.2019 was published there was no change in the petitioner of the Gram Panchayat as it stood and therefore the petitioners did not raise an objection. However, finally when the impugned notification dated 16.10.2019 was published, there is a change of the Gram Panchayat.

3. Learned Deputy Advocate General submits that he has sought instructions in which he has been informed of the earlier notification dated 28.09.2019 was not acted upon and it was withdrawn and subsequently a fresh delimitation proceedings had been initiated and a preliminary notification was published calling for objections from the concerned villagers on 05.10.2019 and only thereafter a final notification has been issued on 16.10.2019. Counsel for the respondent also raised objection as regards there is no pleadings in the entire writ petition so far as preliminary notification dated 05.10.2019 is concerned. Neither is the said notification under challenge nor was any objections or suggestions put forth by the petitioner pursuant to the said notification.
4. This aspect has not been controverted by the counsel for the petitioner.
5. Given the facts and circumstances, particularly, taking note of the fact that impugned notification dated 16.10.2019 has been published after a preliminary notification dated 05.10.2019 was published calling for the objections and suggestions from the villagers and in case if the petitioners have not raised an objection so far as preliminary notification dated 05.10.2019 is concerned, then petitioner at this juncture after issuance of the final notification dated 16.10.2019 does not have a right to challenge the same. The notification dated 16.10.2019 therefore cannot be said to be in any manner contrary to the Provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 or any of the Rules framed therein.
6. The writ petition fails and accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge