

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 4593 OF 2019**

Devlal Dahariya, S/o Shri Madanlal Dahariya, age 61 years, Caste- Satnami, R/o Village Amartal, Post Tilai, Tahsil Akaltara, Distirct Janjgir-Champa (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (CG)

2. The Collector and District Election Officer, District Janjgir-Champa (CG)

3. The Sub Divisional Officer (Revenue) Pamgarh, Dist. Janjgir-Champa (CG)

4. The Chief Executive Officer, Janpad Panchayat, Akaltara, District Janjgir-Champa (CG)

... Respondents

For Petitioner	:	Mr. C.B. Kesharwani, Advocate.
For Respondents	:	Mr. Jitendra Pali, Dy. Advocate General & Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/12/2019

1. Challenge in the present writ petition is to the notification dated 24.11.2019 (Annexure P-1) to the extent whereby the respondents have reserved the Gram Panchayat, Amartal, for the election of Sarpanch, for candidates belonging to the scheduled tribe woman category.

2. Shri Jitendra Pali, Deputy Advocate General, present in the Court, took time in the first half to seek instructions and in the second half the learned counsel has produced an order of the Collector, District Janjgir-Champa, dated 10.12.2019. The District Collector, Janjgir-Champa, has ordered the Sub Divisional Officer (Revenue), Janjgir-Champa, for reconsidering the said reservation of Gram Panchayat, Amartal being made for the reserved category of scheduled tribes woman candidates. The Collector further has directed the Sub Divisional Officer (Revenue) to proceed and decide the matter in accordance with the reservation rules governing the field.

3. At this juncture, learned counsel for the petitioner also submits that the concerned authorities may be directed to take a decision considering the objections that the petitioner has raised, particularly taking into consideration the population of the said village as per the census of 2011, that is the last census report available.

4. Learned Deputy Advocate General further submits that in terms of the order of the District Collector, the Sub Divisional Officer (Revenue) has already called for a meeting of the Gram Panchayat and the said meeting has been ordered to be held on 17.12.2019 at 3pm.

5. Given the aforesaid facts and circumstances of the case, the present writ petition is being disposed of, directing the respondents no. 2 to 4 to consider and decide the objections of the petitioner so far as reserving of the said Gram Panchayat, Amartal as reserved for the scheduled tribes woman category is concerned, and the decision be taken purely in accordance with the rules governing the field.

6. With the aforesaid direction, the writ petition stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE