

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 997 of 2020

1. Jemadevi Paikra, W/o Chhedilal Paikra, Aged About 40 Years, Caste Kanwar, Occupation Agriculture, R/o Village Chharbhatha, Police Station And Tahsil Gharghoda, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, Through The Secretary, Department of Panchayat, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. The Collector, Raigarh, District : Raigarh, Chhattisgarh
3. The Sub - Divisional Officer (Revenue), Gharghoda, District : Raigarh, Chhattisgarh
4. Returning Officer, Janpad Panchayat, Chharbhatha, Tahsil Gharghoda, District : Raigarh, Chhattisgarh
5. Khushiram Rathiya, S/o Rameshwar Rathiya, Aged About 25 Years, Caste Kanwar, Occupation Agriculture, R/o Village Kognara, Police Station And Tahsil Gharghoda, District : Raigarh, Chhattisgarh
6. Arjun Singh Paikra, S/o Ramprasad Paikra, Aged About 32 Years, Caste Kanwar, Occupation Agriculture, R/o Village Chharbhatha, Police Station And Tahsil Gharghoda, District : Raigarh, Chhattisgarh
7. Ramprasad Paikra, S/o Padum Singh Paikra, Aged About 47 Years, Caste Kanwar, Occupation Agriculture, R/o Village Chharbhatha, Police Station And Tahsil Gharghoda, District : Raigarh, Chhattisgarh
8. Gajanan Paikra, S/o Jaylal Paikra, Aged About 38 Years, Caste Kanwar, Occupation Agriculture, R/o Village Chharbhatha, Police Station And Tahsil Gharghoda, District : Raigarh, Chhattisgarh

---Respondents

For Petitioner
For State

: Mr. Punit Ruparal, Advocate
: Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

23.03.2020

1. The claim in the present writ petition is for a direction to the respondents for permitting the petitioner to discharge the duties as a Sarpanch.
2. According to the counsel for the petitioner, the petitioner has been duly elected as a Sarpanch of Gram Panchayat: Chharbhatha, Block and Tehsil: Gharghoda, District: Raigarh, (C.G.). However, the respondent no. 5 in between has filed an election petition before the respondent no. 3 and thereafter without there being any specific order, the petitioner has been restrained to discharge her duties as an elected sarpanch.
3. At this juncture, this Court is of the opinion that admittedly there is an election petition, so far as petitioner is concerned and if any direction had to be issued that would be only by the respondent no. 3 before whom the election petition has been preferred and who is also the competent authority. Moreover, there is no specific order that the petitioner has been restricted to discharge her duties as an elected sarpanch.
4. Given the said facts, this Court finds it difficult to exercise its writ powers for issuance of any direction to the respondents. The right of the petitioner stands reserved for approaching the competent authority, so far as the issue regarding discharge of her duties are concerned.
5. The writ petition, accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge