

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 2415 of 2020

1. Rakesh Kumar Tirkey S/o Sukul Ram Tirkey Aged About 26 Years R/o Village Udhvakatra , Tahsil And Police Station Rajpur , District Balrampur Ramanujganj Chhattisgarh.
2. Silbanus Lakda S/o Late Raja Ram Aged About 26 Years R/o Village Udhvakatra , Tahsil And Police Station Rajpur , District Balrampur Ramanujganj Chhattisgarh.
3. Shankar Toppo S/o Dalim Sai Aged About 35 Years R/o Village Udhvakatra , Tahsil And Police Station Rajpur , District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
4. Rajendra Kumar Ekka S/o Janki Rai Aged About 30 Years R/o Village Udhvakatra , Tahsil And Police Station Rajpur , District Balrampur Ramanujganj Chhattisgarh.
5. Tej Kumar Tirkey S/o Son Sai Aged About 30 Years R/o Village Udhvakatra , Tahsil And Police Station Rajpur , District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Panchayat Department , Mantralay , Mahanadi Bhavan , Naya Raipur , District Raipur Chhattisgarh.
2. The Collector District Balrampur Ramanujganj Chhattisgarh.
3. Chief Conservator Of Forest Sarguja , Ambikapur Region , District Ambikapur Chhattisgarh.
4. Sub Divisional Officer Balrampur Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.
5. Tahsildar Rajpur , Balrampur Ramanujganj District Balrampur Ramanujganj Chhattisgarh.
6. Praveen Ekka (Vanrakshak) Beet Chicha Vanparichhetra Rajpur , District Balarampur Ramanujganj Chhattisgarh
7. Sarpanch Village Panchayat Chilmakala (Link Village Udhvakathra) , Tahsil And Police Station Rajpur , District Balrampur Ramanujganj Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Mayank Chandrakar, Adv.
For State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.10.2020

1. The grievance of the petitioners in the present writ petition is the alleged action on the part of the respondent-authorities whereby a Panchayat Bhawan is being constructed at village Udhvakathara under Gram Panchayat Chilmakala. According to the counsel for the petitioners, the said decision has been taken in contravention to the provisions of chapter XVIII of the Chhattisgarh Land Revenue Code.
2. Moreover, the contention of the petitioners is that the said decision has been taken without any proper approval being obtained from the Gram Sabha and the respondent No. 7 has illegally provided certain NOC to the respondent-authorities for construction of the Panchayat Bhawan. Infact there has been no Gram Sabha on this issue ever met.
3. The further contention of the counsel for the petitioners is that the petitioners have already filed an objection before the respondent No. 2 and 3 in this regard but the same has not been decided till now. Counsel for the petitioners submits that their grievance as of now would stand ventilated, if the respondents No. 2 & 3 are directed to take an expeditious decision on their objections/representation that they have filed, in accordance with law at the earliest after due verification/enquiry of the facts.
4. To the limited relief that the petitioners have sought for, the State Counsel is not opposed to the same.
5. Given the limited relief that the petitioners have sought for and also taking into consideration the nature of allegation that the petitioners have made in the writ petition as also in the objections, this Court is of

the opinion that it needs to be verified at the Government Level. Accordingly, the writ petition is disposed of directing the respondents No. 2 & 3 to take a decision on the objections that the petitioners have filed before the respondents No. 2 & 3 at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

6. Meanwhile, the petitioners are also at liberty to approach the respondents No. 2 & 3 for seeking an interim/restrain order to be passed against the respondents from proceeding with the further construction of the Panchayat Bhawan.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge