

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 2929 of 2020

1. Gadiram Netam S/o Shri Mangluram Netam Aged About 40 Years
Occupation Up-Sarpanch R/o Village Nawagarh, Post Nayanar, Gram
Panchayat Nawagarh, Janpad Panchayat Keshkal, District Kondagaon
Chhattisgarh
2. Guddu Ram Mandavi S/o Late Shri Dwarurum Mandavi Aged About
35 Years Occupation Gram Patel, R/o Village Nawagarh, Post
Nayanar, Gram Panchayat Nawagarh, Janpad Panchayat Keshkal,
District Kondagaon Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of
Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan,
Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The Collector Kondagaon, District Kondagaon Chhattisgarh
3. Chief Executive Officer District Panchayat Kondagaon, District
Kondagaon Chhattisgarh
4. Executive Engineer Rural Engineering Services Division Kondagaon,
District Kondagaon Chhattisgarh
5. Chief Executive Officer Janpad Panchayat Keshkal, District
Kondagaon Chhattisgarh
6. Gram Panchayat Nawagarh Through Its Secretary, Gram Panchayat
Nawagarh, Janpad Panchayat Keshkal, District Kondagaon
Chhattisgarh
7. Devlal Mandavi S/o Shri Sonadhar Mandavi Aged About 32 Years
Occupation Sarpanch Of Gram Panchayat Nawagarh, Janpad
Panchayat Keshkal, District Kondagaon Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Sumit Shrivastava, Advocate
For State	:	Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

03.12.2020

1. Heard.

2. This is the second round of litigation.

3. On the earlier round of litigation, the similar issue was raised before this Court that the Gram Panchayat building though has been sanctioned for a particular place but then it is being constructed in a different place. This Court, on the earlier round of litigation in WPC No. 2060/2020 on 24.09.2020, has passed the following order:-

“2.Considering the fact that the power of the High Court under Article 226 would not be exercised to determine the appropriate place, where a Gram Panchayat Bhawan is to be constructed and knowing fully well the bounds of this Court while exercising the said power, this Court would like to dispose of the writ petition at this juncture directing the petitioners to approach the respondents No.2 to 5 in respect of their grievances by making a detailed representation in this regard, in addition to the representation, if any, already made. The respondents No.2 to 5 inturn shall consider the same on its own merits and shall take an appropriate decision on the representation of the petitioners redressing their grievances.

3. With the aforesaid observation, the present writ petition stands disposed of.”

4. Again, the same issue is being placed before this Court. Since the

issue has already attained the finality in the earlier round of litigation, this Court cannot direct the construction of a particular building in a particular place in exercise of power under Article 226 of the Constitution of India and no relief can be granted.

5. Therefore, the writ petition sans merit and accordingly is dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Vishakha