

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4713 of 2019**

Radhe Shyam Bande S/o Shri Sakhrum Bande Aged About 62 Years
Caste Scheduled Caste (Satnami), R/o Village Tilda, Post
Lacchanpur, Vikas Khand And Tehsil Pallari, District Baloda Bazar
Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Indravati Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District - Raipur Chhattisgarh.
2. The Collector, District - Baloda Bazar - Bhatapara Chhattisgarh.
3. District Election Officer, District Baloda Bazar - Bhatapara Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Pallari, District - Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Shivang Dubey, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/01/2020**

1. The challenge in the present writ petition is primarily that Gram Panchayat Tilda being declared reserved for scheduled tribe (female) for the forthcoming Panchayat Election.
2. The grievance of the petitioner in the present writ petition is that during the first round of draw of lots village Tilda was held to be reserved for scheduled caste, however malafidely the respondents have again put village Tilda for a draw of lots and have thereafter reserved it for the scheduled tribe (female).
3. The counsel for the petitioner relied upon Annexure P/2, which is allegedly is a screen shot from some proceedings that were drawn on the date of draw of lots i.e. on 22.11.2019. The respondents' counsel on

the previous date was asked to seek instructions and today the counsel for the respondents produced certain documents categorically stating that village Tilda was never declared as reserved for scheduled caste category at any point of time and that the document (Annexure P/2) relied upon by the petitioner was not genuine or authentic. The counsel for the respondents produced the documents by which the proceedings were drawn on the said date and from which it clearly reflects that village Tilda was not shown as reserved constituency for the scheduled caste whereas in the draw of lots the village Tilda in fact has gone for the scheduled tribe and it has got further reserved for the women category in the scheduled tribe.

4. On a query being put to the learned counsel for the petitioner in respect of any further proof to substantiate Annexure P/2, the learned counsel expressed his inability.
5. Given the aforesaid facts and circumstances of the case, particularly taking note of the fact that Annexure P/2-the alleged screen shot itself seems to be an incomplete document and further perusal of the record produced by the learned counsel for the State during the course of hearing shows that village Tilda was never reserved for the scheduled caste category at any point of time. Accordingly, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned action on the part of the respondents and the writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved