

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 2281 of 2021

Santosh Hathile, S/o. Hori Lal, Aged About 43 Years, Sarpanch Of Gram Panchayat Rajadhar, R/o. Dhawai Pani, Tahsil Bodla, District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Collector Kabirdham, District Kabirdham, Chhattisgarh
3. Sub Divisional Officer, Revenue, Bodla, District Kabirdham Chhattisgarh
4. Tahsildar, Bodla, District Kabirdham Chhattisgarh
5. Smt. Mithla Bai, W/o. Gore Lal, Up-Sarpanch Of Village Panchayat Rajadhar (Now Sarpanch), Tahsil Bodla, District Kabirdham Chhattisgarh
6. Smt. Kalarin Bai, W/o. Setu, Panch Of Ward No. 1, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.
7. Smt. Hariyar, W/o. Mangal, Panch Of Ward No. 2, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.
8. Kunwar Singh, S/o. Goucharan, Panch Of Ward No. 3, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.
9. Dasaru, S/o. Bhom Lal, Panch Of Ward No. 5, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.
10. Smt. Seeta Bai, W/o. Raju Maravi, Panch Of Ward No. 6, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.
11. Prem Singh Dhurve, S/o. Dhur Singh, Panch Of Ward No. 7, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.
12. Smt. Bista Bai, W/o. Dhannu Lal Durve, Panch Of Ward No. 8, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.
13. Bisaru, S/o. Tihari, Panch Of Ward No. 9, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.
14. Smt. Shaktin Bai, W/o. Kewaru, Panch Of Ward No. 11, Panch Of Village Panchayat Rajadhar, Tahsil Bodla, District Kabirdham Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. G.R.Miri, Senior Advocate with Mr. Basant Kaiwartya, Advocate
For State	:	Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

30.06.2021

Heard

1. The grievance of the petitioner is that the petitioner was an elected Sarpanch of Village Panchayat Rajadhar, he was elected on 05.02.2020. After his election,

the persons who lost the election were following and eventually the No-confidence motion was moved and passed on 23.03.2021.

2. Learned counsel for the petitioner submits that against such No-confidence motion, the petitioner has sought the remedy under Section 21(4) of the Panchayat Raj Adhiniyam and reference was made to the Collector, which would be evident from the order sheet dated 06.04.2021 that was made within time. However, despite the fact considerable time has passed and the statute which mandate that as far as possible within 30 days the same would be decided, the reference is still remains undecided. Therefore, the Collector, Kabirdham may be directed to decide the reference made by the petitioner under Section 21(4) of the Panchayat Raj Adhiniyam within the shortest possible time.
3. Perusal of the order dated 06.04.2021 which is the order sheet of the Collector would show that reference has already been made to the Collector. When the reference is so made which is required to be decided as far as possible within 30 days and since considerable time has passed, it is directed that the Collector, Kabirdham shall decide the reference preferred by the petitioner within a period of 30 days from the date of receipt of a copy of this order.
4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
JUDGE

Aks