

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.2427 of 2021**

Gram Panchayat Bhainsatara Through Its Secretary, Sonaram Verma
S/o. Shri Douwa Ram Verma, Aged About 40 Years, Occupation- Service
Posted As Secretary Gram Panchayat Bhainsatara, Janpad Panchayat -
Fingeshwar, Distt.- Gariyaband (Chhattisgarh), District : Gariyabandh,
Chhattisgarh

---- Petitioner**Versus**

1. The State of Chhattisgarh Through The Secretary Panchayat
Department, Mantralaya Mahanadi Bhawan, Capital Complex New
Raipur, Distt. Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Commissioner Raipur Division Raipur, Distt. Raipur (Chhattisgarh),
District : Raipur, Chhattisgarh
3. Collector Gariyaband Distt.- Gariyaband (Chhattisgarh), District :
Gariyabandh, Chhattisgarh
4. Tahsildar Rajim, Distt.- Gariyaband (Chhattisgarh), District : Gariyabandh,
Chhattisgarh
5. Chief Executive Officer Janpad Panchayat Fingeshwar, Distt.-
Gariyaband (Chhattisgarh), District : Gariyabandh, Chhattisgarh
6. Bhikhuram Sahu S/o. Shri Rajaram Sahu Aged About 62 Years R/o.
Village- Bhainsatara, Janpad Panchayat - Fingeshwar, Distt.- Gariyaband
(Chhattisgarh), District : Gariyabandh, Chhattisgarh

---- Respondents

For Petitioner : Shri Sunil Sahu and Shri Sumit Shrivastava, Advocate.

For Respondent/State : Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri Goutam Bhaduri, Judge**Order on Board****21.06.2021**

1. Heard.
2. Challenge in this petition is to the order dated 27.02.2020 wherein the
Additional Commissioner, Raipur has directed to Chief Executive Officer,
Raipur to reconsider the case of the Petitioner wherein the request was

made by Petitioner to shift the entertainment stage (Rangmanch) which is adjacent to his house to some other place as he is ready to bear the expenses of the same. The order purports that the Gram Panchayat and Gram Sabha has already passed a resolution, therefore, the grievance of the Petitioner to shift the entertainment stage to an independent venue should be considered and decided, which is the grievance of the Petitioner.

3. Shri Sumit Shrivastava, the learned counsel for the Petitioner would submit that Respondent No.5 since has encroached upon the certain land, as such, he has made a complaint that the entertainment stage which is adjacent to his house, few of the mischief mongers, sit there and consume liquor and creates nuisance. He would further submit that complaint is made to cover up the encroachment, therefore, Gram Panchayat cannot be asked to consider of shifting of the entertainment stage to some other independent venue, as ordered.
4. Perusal fo the order and the documents annexed with the writ petition would show that the Gram Panchayat had earlier resolved to shift the entertainment stage (Rangmanch) at a different place. The basic complaint which was made by the 6th Respondent that the entertainment stage is adjacent to his house wherein mischief mongers sits, consume liquor and create nuisance. The photographs (Annexure P/5) attached with the petition would show that the entertainment stage which is constructed as on date is adjacent to the house of the 6th Respondent. The resolution was passed on 26.09.2017 by the Gram Panchayat and annexed with the petition would show that the Gram Panchayat resolved the issue and resolve to construct the entertainment stage at a different place, provided the expenses are borne by Petitioner. The complaint of

the like nature that people consume liquor and creates a nuisance cannot be ruled out in rural background. The photographs would show that the entertainment stage is adjacent to the house of the 6th Respondent. The resolution is already passed by the Gram Panchayat to construct the new entertainment stage (Rangmanch), the implementation of the resolution was required to be decided by the Chief Executive Officer by taking into the finding which is recorded by the Gram Panchayat and Gram Sabha at a different point of time, which the impugned order dated 27.02.2020 mandates.

5. There is no resolution to file this petition by Shri Sonaram Verma, who claims to be the Secretary of the Gram Panchayat, Bhainsatara, Janpad Panchayat Fingeshwar, District Gariyaband, Chhattisgarh. Therefore, if Shri Sonaram Verma claims to be public spirited person and the entertainment stage (Rangmanch) is claimed to be for the public purpose, then he may resolve the issue and may offer his own land. Apart from that, the order dated 27.02.2020 only directed the Chief Executive Officer to decide the claim of the 6th Respondent, taking into the different issue which is existing and the complaint made by the 6th Respondent whether nuisance is really created or not is required to be resolved.
6. In view of discussion above, I do not find any merit in the writ petition to interfere with the order passed by the Additional Commissioner, Raipur. The petition is dismissed being sans merit.

Sd/-
(Goutam Bhaduri)
Judge