

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2566 of 2021

1. Pramod Kumar Gabel S/o Late Bhisham Prasad Gabel Aged About 48 Years R/o Village Malkharoda, District Janjgir-Champa (Chhattisgarh)
2. Judawan Lal Gabel S/o Mahettar Lal Gabel Aged About 43 Years, Village Budeli, Tahsil Malkharoda, District Janjgir-Champa (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. The Collector District Janjgir Champa, Collectorate Janjgir-Champa, Tahsil Janjgir, District Janjgir Champa (Chhattisgarh)
3. Jila Panchayat Janjgir Champa, Through Its Chief Executive Officer, District Janjgir Champa, Office Of Jila Panchayat, Tahsil Janjgir, District Janjgir-Champa Chhattisgarh.
4. Janpad Panchayat Malkharoda Through Its Chief Executive Officer, District Janjgir-Champa (Chhattisgarh)

---- Respondents

For petitioners – Shri N.K. Malaviya, Advocate.

For State – Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/06/2021

Heard.

1. Learned counsel for the petitioners submits that the petitioners are the members of Janpad Panchayat and according to the guidelines which is issued by the State from time to time in order to carry out the development in all the area specific directions have been issued that the working committee would be formed and they will set forth their requirement for development. The petitioners who were part of working committee has laid down certain development job, however while approving such proposal no proper notice to hold the general body meeting was given. Consequently, the development plan which was proposed in 6 to 7 villages were dropped and instead development work was diverted to other villages. It is submitted that the petitioners are aggrieved by the resolution of the general body

that was carried out without proper notice and the petitioners under Article 21 of the Constitution of India have right to prefer this petition before this court as development is inherent right.

2. After consideration of submission of the petitioners, it appears that the prayer leads to take over the administrative work of the Janpad Panchayat and the State by this court. This court in exercise of power under Article 226 of the Constitution of India cannot take over the administrative decision as to which is the village which is most suitable for development and what development is to be carried out under particular budgetary allocation. It is absolute administrative function and completely disputed question of facts. Eventually if the petitioners are aggrieved by a decision or order or proceeding of a Panchayat, Section 91 of the C.G. Panchayat Raj Adhiniyam, 1993 purports that an appeal or revision against the orders or proceedings of Panchayat and other authorities under this Act shall lie to such authority and in such manner as may be prescribed. Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 contemplates that against the order of the Janpad Panchayat, the Collector would be the appellate authority under Rule 3. If the petitioners assail the order or any decision or any proceeding which is not suitable to them, according to the C.G. Panchayat Raj Adhiniyam, 1993 the petitioners shall be at liberty to file an appeal under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 before the Collector.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE