

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2703 of 2021**

- Mohan Patel @ Mohan Lal Patel S/o Shri Damrudhar Patel, Aged About 43 Years Elected Member Of Janpad Panchayat Baramkela, Constituency No. 23, R/o Village - Chhailbhatha, Block - Baramkela, District - Raigarh Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh, Through - The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur Chhattisgarh
2. The Collector, District - Raigarh Chhattisgarh
3. Zila Panchayat Raigarh, Through - Its Chief Executive Officer, District - Raigarh Chhattisgarh
4. Janpad Panchayat Baramkela, Through - Its Chief Executive Officer, District - Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Shri Roop Naik, Advocate
For Respondents/State	:	Shri Alok Bakshi, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****07/07/2021**

1. Heard.
2. Petitioner claims to be the elected member of Janpad Panchayat, Baramkela of constituency No.23. It is contended that as per 15th Finance Commission, the petitioner proposed certain development work for his constituency but the said proposal was not considered by official resolution dated 17.06.2021, however,

another Janpad Panchayat member of different constituency has given a proposal in respect of village Vishnupali for same construction likewise another resolution in respect of Joganipali Kalakhunta for bore and installation of pump has been passed at the instance of other Janpad member.

3. Learned counsel for the petitioner would submit that other constituency member could not have given such proposal and should not have been considered by the CEO, Janpad Panchayat, Baramkela as the particular jurisdiction is defined for a particular Janpad Panchayat constituency. Consequently, the decision which has been taken for certain development at village Vishnupali and village Joganipali Kala by a member of different constituency cannot be given effect to.
4. After consideration of the submission of learned counsel for the petitioner, it appears that the petitioner is concerned more with his power of execution of work to uphold the image the development of the area is ancillary. If certain development work which were proposed by the petitioner were not considered instead the better proposal which is given by the other constituency member has been considered, it cannot be stated that the petitioner only have the domain and the right to claim development the way he proposed. CEO has accepted the proposal given by the other Janpad Panchayat, that may be for betterment. Under what circumstances, the proposal of the petitioner was not accepted, what were the fall out of defect, this is not the jurisdiction of the Court to investigate and it is complete and out and out executive act. Learned counsel for the petitioner also failed to show any legal provision which empowers a particular Janpad Panchayat Member of a particular constituency that his proposal is required to be considered and not of others.

5. Janpad Panchayat is a body corporate constituted under the statute, therefore, the decision which is taken by the Janpad Panchayat cannot be interfered by this Court in exercise of power under Article 226 of the Constitution of India to take over the reins of the others and administer the development work by monitoring the same. The petition is completely lack of any legal support or logic. If the petitioner is interested for the development of his constituency then he cannot be the sole abettor to carry out the development in a particular way. It is the joint decision of the entire Janpad Panchayat which would prevail.
6. Even otherwise, Section 91 of the C.G. Panchayat Raj Adhiniyam, 1993 speaks that an appeal or revision against the orders or proceedings of a Panchayat and other authorities under this Act, shall lie to such authority and in such manner as may be prescribed. The C.G. Panchayat (Appeal & Revision) Rules, 1995 provides for appeal in case the decision of the Janpad Panchayat is required to be challenged before the Collector. Consequently, I am not inclined to entertain this petition.
7. Accordingly, the petition sans merit is liable to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu