

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3686 of 2021

Ganeshram Rawtane S/o Jhaggar Rawtane Aged About 44 Years
Sarpanch, Gram Panchayat Amakoni, Janpad Panchayat Simga, District
Baloda Bazar-Bhatapara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Naya Raipur, Chhattisgarh
2. The Collector, District Baloda Bazar-Bhatapara Chhattisgarh
3. The Sub-Divisional Officer (Revenue) And Prescribed Authority (Panchayat) Simga, District Baloda Bazar-Bhatapara Chhattisgarh
4. The Tahsildar, Suhela, District Baloda Bazar-Bhatapara Chhattisgarh
5. The Chief Executive Officer Janpad Panchayat Simga, District Baloda Bazar-Bhatapara Chhattisgarh
6. Jagmohan S/o Bhagwati Panch, Gram Panchayat Amakoni, Janpad Panchayat Simga, District Baloda Bazar-Bhatapara Chhattisgarh
7. Smt. Devmati Pal W/o Nandlal Pal Panch, Gram Panchayat Amakoni, Janpad Panchayat Simga, District Baloda Bazar-Bhatapara Chhattisgarh
8. Smt. Indrani Yadu W/o Dulechand Panch, Gram Panchayat Amakoni, Janpad Panchayat Simga, District Baloda Bazar-Bhatapara Chhattisgarh
9. Smt. Kamla Dhruw W/o Sonu Dhruw Panch, Gram Panchayat Amakoni, Janpad Panchayat Simga, District Baloda Bazar-Bhatapara Chhattisgarh
10. Smt. Santan Sahu W/o Purushottam Sahu Panch, Gram Panchayat Amakoni, Janpad Panchayat Simga, District Baloda Bazar-Bhatapara Chhattisgarh
11. Ishwar Sahu S/o Balaram Sahu Panch, Gram Panchayat Amakoni, Janpad Panchayat Simga, District Baloda Bazar-Bhatapara Chhattisgarh
12. Smt. Heera Devi Yadu W/o Hemant Yadu Panch, Gram Panchayat Amakoni, Janpad Panchayat Simga, District Baloda Bazar-Bhatapara Chhattisgarh

---- Respondents

For Petitioner : Shri Goutam Khetrapal, Advocate.
For State : Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/09/2021

Heard.

1. Learned counsel for the petitioner would submit that an application was filed by the petitioner who is a Sarpanch of Gram Panchayat Amakoni that the respondents No.6 to 12 who are the panch have not attended the meeting whereby have been made disqualified as per Section 36(2)(c) of the C.G. Panchayat Raj Adhiniyam, 1993. He would submit that thereafter the enquiry though was drawn but nothing transpired and only correspondence have been made but the report of the like nature are statutory in nature, therefore the Collector is required to enquire into the issue as per Section 36(3) of the C.G. Panchayat Raj Adhiniyam, 1993.
2. Perusal of the record would show that no proceeding have been drawn and communication have been made after the enquiry to the Collector by a letter dated 22/03/2021. Section 36(3) of the C.G. Panchayat Raj Adhiniyam, 1993 gives the power to the Collector in respect of the gram panchayat that whether a vacancy has occurred pursuant to sub-section (2) of section 36 of the C.G. Panchayat Raj Adhiniyam, 1993. In the instant case, if the report have been made in the like nature then it has to come to a logical end, therefore the Collector is directed to draw a proceeding pursuant to the communication dated 22/03/2021 and

conclude the proceeding as early as possible after hearing all the parties affected by following the rules of natural justice.

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

Sd/-

(Goutam Bhaduri)
Judge