

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 3816 of 2021

Mansukh Lal Jaiswal, S/o. Shri Kejuram Jaiswal, Aged About 57 Years,
Ex-Sarpanch Of Gram Panchayat Hirmi, R/o. 285, Gandhi Chowk,
Village Hirmi, Simga, District Balodabazaar Bhatapara (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, (Chhattisgarh) 492002
2. The Collector Balodabazaar Bhatapara, District Balodabazaar Bhatapara (Chhattisgarh)
3. Kamta Prasad Faker, Up-Sarpanch, Gram Panchayat Hirmi, Balodabazaar, District Balodabazaar Bhatapara (Chhattisgarh)..... (Caveator)
4. Mulchand Sahu, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh
5. Shri Ramkumar Faker, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh.....(Caveator)
6. Smt. Sunita Dhruw, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)
7. Smt. Tuleshwari Sahu, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh
8. Smt. Maheshwari Sahu Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh
9. Smt. Nirmala Prajapati, Panch, Gram Panchayat Hirmi, Balodabazaar, District Balodabazaar Bhatapara Chhattisgarh
10. Shri Chandrakumar @ Chandraprakash Yadu, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh.
11. Smt. Rekha Sahu, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh
12. Smt. Makhan Lal Sahu, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)
13. Smt. Mamta Netam, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh
14. Smt. Usha Faker, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh
15. Smt. Ahilya Sinha, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)
16. Shri Lalit Bharti, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara Chhattisgarh.
17. Shri Sanjay Pradhan, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)
18. Smt. Indu Koshthi, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)

19. Shri Manharan Sahu, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)
20. Shri Satish Jaiswal, Panch, Gram Panchayat Hirmi, Balodabazaar, District Balodabazaar Bhatapara (Chhattisgarh).
21. Smt. Kusumlata Sahu, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)
22. Smt. Kusumlata Sahu, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)
23. Smt. Shashikala Kurre, Panch, Gram Panchayat Hirmi, Balodabazaar District Balodabazaar Bhatapara (Chhattisgarh)
24. Presiding Officer, Ms. Mamta Thakur Naib Tehsildar Suhela, District Balodabazaar Bhatapara (Chhattisgarh)
25. Chief Executive Officer, Janpad Panchayat Simga, District Balodabazaar Bhatapara Chhattisgarh

---- Respondents

For Petitioner	: Mr. Anchal Kumar Matre, Advocate
For State Respondents	: Mr. Ashish Tiwari, Govt. Advocate
For Respondent No.3 & 5	: Mr. Pushpendra Kumar Patel, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.09.2021

Heard

1. Challenge in this petition is to the order dated 22.03.2021 (Annexure P-1) wherein an application for stay has been rejected, which was preferred by the petitioner in a proceeding under Section 21(4) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.
2. Learned counsel for the petitioner would submit that against the no confidence which passed against the petitioner, he preferred a petition before the Collector under Section 21(4) along-with the stay application and the Collector has rejected the stay application only on the ground that there is no provision to pass an interim order, which is illegal.
3. After perusal of the order impugned which is dated 22.03.2021, considerable time has passed. In view of this, it is directed that the

Collector shall decide the application preferred by the petitioner under Section 21(4) which is pending before the Collector, Balodabazar-Bhatapara, within a period of 45 days from the date of receipt of a copy of this order.

4. In view of the aforesaid observation, the petition stands disposed off.

Aks

Sd/-
(Goutam Bhaduri)
Judge