

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4947 of 2021

1. Smt. Dileshwari Yadu W/o Shri Keshav Yadu Aged About 26 Years
Officiating Sarpanch Gram Panchayat Pendri Janpad Panchayat
Bhatapara District Balodabazar Bhatapara, Chhattisgarh, District :
Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department Of Panchayat And
Social Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, District
Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The Collector, Baloda Bazar Bhatapara, District Baloda Bazar
Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara,
Chhattisgarh
3. Chief Executive Officer, Jila Panchayat Baloda Bazar Bhatapara, District
Baloda Bazar Bhatapara, Chhattisgarh, District : Balodabazar-
Bhathapara, Chhattisgarh
4. Chief Executive Officer Janpad Panchayat Bhatapara, District Baloda
Bazar Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara,
Chhattisgarh
5. Secretary, Gram Panchayat Pendri Jila Panchayat Baloda Bazar
Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh, District :
Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner	: Shri Nishi Kant Sinha, Advocate.
For the respondents / State	: Shri Rahul Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03.12.2021

Heard on petition.

1. It is submitted that the petitioner was appointed as officiating Sarpanch
after the death of Sarpanch of Pendri under the provisions of Section
38(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. The
petitioner has apprehension that he may be removed from the post,
hence, this petition has been filed praying that the petitioner may be
allowed to continue as officiating Sarpanch until the Sarpanch of the

Gram Panchayat is duly elected.

2. Learned State counsel opposes the submissions and submits that the petitioner is already enjoying the position of officiating Sarpanch by virtue of order vide Annexure-P/3, therefore, the petition is without substance.
3. After considering on the submissions, the present petition is disposed off at motion stage. It is observed that the petitioner is at present performing his duties as officiating Sarpanch of Gram Panchayat, Pendri by virtue of election under Section 38 (1)(b) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. Section 38(1) (b) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 provides that the officiating Sarpanch elected is authorized to continue as officiating Sarpanch until the election is held and a new Sarpanch is appointed. Hence, it is expected from the respondent authorities shall keep in view this provision before taking any action against the petitioner.
4. With the aforesaid observations, this petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha