

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4866 of 2021

Khumesb Kumar Sahu S/o Tiju Ram Sahu, aged About 34 Years
Officiating Sarpanch Gram Panchayat Khapri (S) Janpad Panchayat,
Bhatapara District Balodabazar Bhatapara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Social Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar District Raipur Chhattisgarh.
2. The Collector Balodabazar Bhatapara, District Balodabazar Bhatapara Chhattisgarh
3. Chief Executive Officer Jila Panchayat Balodabazar Bhatapara, District Balodabazar Bhatapara Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Bhatapara, District Balodabazar Bhatapara Chhattisgarh.
5. Secretary, Gram Panchayat Khapri (S) Jila Panchayat Bhatapara, District Bolodabazar Bhatapara 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

02.12.2021

Heard on petition.

1. It is submitted that the petitioner was appointed as officiating Sarpanch after the death of Sarpanch of Khapri (S) 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 Up-Sarpanch of Gram Panchayat, Khapri (S) 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

Nimmi