

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5001 of 2021**

Smt. Khulaso Paikara W/o Muneshwar Paikara Aged About 31 Years
Sarpanch Gram- Panchayat-Bilaspur, Janpad Panchayat- Batauli, Police
Station- Batauli, District- Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar Naya Raipur, District- Raipur, Chhattisgarh
2. The Sub Divisional Officer (R) Prescribed Authority Sitapur, District- Surguja, Chhattisgarh
3. Tahsildar Batauli, District- Surguja, Chhattisgarh
4. The Collector Surguja, Chhattisgarh
5. Smt. Damyantni Devi Sonwani W/o Sivbaran Sonwani Aged About 55 Years Panch Of Ward No.1 Gram-Panchayat-Bilaspur, Janpad Panchayat-Batauli Police Station- Batauli, District- Surguja, Chhattisgarh
6. Kaushlya Gupta W/o Chandrika Prasda Gupta Aged About 60 Years Panch Of Ward No.02 Gram Panchayat Bilaspur, Janpad Panchayat-Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh
7. Pradeep Toppo S/o Kapoor Toppo Aged About 37 Years Panch Of Ward No.03 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh
8. Ashish Kumar Gupta S/o Krishna Prasad Gupta Aged About 29 Years Panch Of Ward No.04 Gram Panchayat Bilaspur, Janpad Panchayat-Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh
9. Dhaneshwar Ram Kujur S/o Badra Ram Aged About 65 Years Panch Of Ward No.05 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh
10. Meera Lakra W/o Chhatar Sai Aged About 30 Years Panch Of Ward No.06 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
11. Jugni Tirkey W/o Hira Lal Tirkey Aged About 32 Years Panch Of Ward No.07 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh
12. Phulwanji Tirkey W/o Harshit Tirkey Aged About 40 Years Panch Of Ward No.08 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh
13. Mankunwar Sonwani W/o Vireshwar Sonwani Aged About 56 Years Panch Of Ward No.09 Gram Panchayat Bilaspur, Janpad Panchayat-Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh
14. Kamlesh Singh S/o Bihari Aged About 33 Years Panch Of Ward No.10 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh

15. Kameshwar Paikara S/o Sivnandan Paikara Aged About 50 Years Panch Of Ward No.11 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
16. Baleshwar S/o Jagdhari Aged About 60 Years Panch Of Ward No.12 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
17. Syamkeli Paikara W/o Budheshwar Paikra Aged About 30 Years Panch Of Ward No.13 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
18. Samarath Kanwar S/o Pawan Kanwar Aged About 55 Years Panch Of Ward No.14 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
19. Ramnandan Ram Paikra S/o Suryabhadur Paikara Aged About 34 Years Panch Of Ward No.15 Gram Panchayat Bilaspur, Janpad Panchayat- Batauli, Police Station- Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. K. Yadav, Advocate
For State	:	Mr. Rahul Jha, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2021

1. The limited relief that the petitioner has in the present writ petition sought for is for appropriate direction to the respondent no.4 to decide the reference case which is pending before respondent no.4 since 23.09.2021.
2. The issue involved is the no confidence motion initiated against the petitioner and the motion which was passed on 16.09.2021 and petitioner immediately challenged the same before the Collector, District Surguja, where the same has been registered as the reference case no. 202109020300003.

3. Counsel for the petitioner drew the attention of this Court to the provisions of Panchayat Raj Adhiniyam, 1993 wherein Section 21(4) requires that the Collector should as far as possible decide the reference case within an outer limit of 30 days. In the instant case, the matter was filed before the Collector on 23.09.2021, Collector took cognizance of the matter on 30.09.2021 and matter thereafter is now fixed for hearing on 30.12.2021. The petitioner herein wants that appeal be decided at the earliest in accordance with law.
4. Given the fact that Collector has already seized of the matter and matter is now listed for further hearing on 30.12.2021 the writ petition at this juncture stands disposed of directing the respondent no.4 to ensure that the appeal is decided at the earliest preferably on the next date of hearing i.e. 30.12.2021, if not within the reasonable time not exceeding further 30 days.
5. With the aforesaid observation, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit