

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WRIT PETITION (CIVIL) NO. 5072 OF 2021**

1. Fuleshwari Mahesh, W/o Shri Narayan, aged about 43 years, Sthanapann Sarpanch Gram Panchayat Hardi, R/o Village Panchayat Hardi, Ward No.14, Village Hardi, Post Office Hardi, Tahsil Sarangarh, District Raigarh, Civil & Revenue District Raigarh (C.G.)
2. Ramratan Patel, S/o Shri Rishi Kumar Patel, aged about 31 years, R/o Ward No.2, Gram Panchayat Hardi, Tahsil Sarangarh, District Raigarh (C.G.)
3. Omprakash Nirala, S/o Late Budhram Nirala, aged about 34 years, R/o Ward No.16, Gram Panchayat Hardi, Tahsil Sarangarh, District Raigarh (C.G.)
4. Sushil Sidar, S/o Shri Pitaru Sidar, aged about 36 years, R/o Ward No.14, Gram Panchayat Hardi, Tahsil Sarangarh, District Raigarh (C.G.)

**... Petitioners****versus**

1. State of Chhattisgarh, through Collector, Raigarh, District Raigarh (C.G.)
2. The Additional Commissioner, Bilaspur, Division Bilaspur, District Bilaspur (C.G.)
3. The Sub Divisional Officer (Revenue) cum Presiding Officer (Panchayat) Sarangarh, Tahsil Sarangarh, District Raigarh (C.G.)
4. Smt. Deepmala Manhar, W/o Shri Kamleshwar Manhar, Ex-Sarpanch, Gram Panchayat Hardi, Tahsil Sarangarh, District Raigarh (C.G.)
5. The Secretary, Gram Panchayat Hardi, Tahsil Sarangarh, District Raigarh (C.G.)
6. The Chief Executive Officer, Janpad Panchayat, Sarangarh, Tahsil Sarangarh, District Raigarh (C.G.)

**... Respondents**


---

|                        |                                  |
|------------------------|----------------------------------|
| For Petitioner         | : Mr. Manoj K. Sinha, Advocate.  |
| For Respondents 1 to 3 | : Mr. Rahul Jha, Govt. Advocate. |
| For Respondent 4       | : Mr. Hari Agrawal, Advocate.    |

---

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****[20/12/2021]**

1. The present Writ Petition has been filed by the Petitioners assailing the Order dated 29.11.2021 passed by the Additional Commissioner, Bilaspur Division, Bilaspur i.e., Respondent No.2, in Revision Case No.27A-89/2020-21.

2. Facts of the case in brief are that Smt. Deepmala Manhar, Respondent No.4 herein, was an elected Sarpanch of Gram Panchayat Hardi, Tahsil Sarangarh, District Raigarh. She was subjected to No Confidence Motion proceeding and the No Confidence Motion was passed against her on 31.7.2021. The said action of the passing of the No Confidence Motion was subjected to challenge by Respondent No.4 in a Reference before the District Collector, Raigarh i.e., Respondent No.1 herein. The District Collector admitted the Reference case and passed an interim order in favour of Respondent No.4 staying the execution of the No Confidence Motion. The said stay order passed by the District Collector was further put to challenge in a Revision Petition before the Additional Commissioner who had initially granted interim protection against the stay order passed by the Collector, however, subsequently vide the impugned Order, the Revision Petition itself has been dismissed by the Additional Commissioner.

3. During the course of hearing, learned Counsel for Petitioner fairly admits that pursuant to the Order passed by the Additional Commissioner dismissing the Revision Petition, the Respondent No.4 has assumed the *exparte* charge of the Sarpanch, Gram Panchayat Hardi.

4. Further, learned Counsel for Petitioner submits that if the order passed by the Collector itself is not sustainable at the first instance so far as the granting of interim order is concerned and therefore the order of the Revisional Authority to that extent is void *ab initio*.

5. Be that as it may, considering the fact that the Reference is still pending consideration before the District Collector and there is an interim order in operation pursuant to which the Respondent No.4 has assumed the *exparte* charge on the post of Sarpanch, it would be more appropriate

if the District Collector is directed to decide the said Reference case itself on merits so as to lay to rest the core issue itself instead of adjudicating the interim applications and the interim orders passed by the Authorities concerned.

**6.** The Writ Petition is, therefore, disposed of directing the Respondent No.1, District Collector, to take appropriate decision on the Reference case pertaining to the No Confidence Motion passed against Respondent No.4 on 31.7.2021, on its own merits, at the earliest, preferably within a period of 30 days from the date of receipt of copy of this Order.

**7.** The Petitioners also would have the liberty for approaching the District Collector in respect of the proceeding drawn and the granting of the interim relief if any, if at all they are aggrieved of the same.

**8.** With the aforesaid direction and liberty, the Writ Petition stands disposed of.

**Sd/-  
(P. Sam Koshy)  
Judge**