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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE ANAND PATHAK**

ON THE 5th OF JANUARY, 2024

WRIT PETITION No. 32023 of 2023

BETWEEN:-

**SMT. BABITA BAI W/O SHRI MOHAN SINGH YADAV,
AGED ABOUT 38 YEARS, OCCUPATION:
AGRICULTURIST R/O VILLAGE SEMRA PAHAD VIDISHA
ROAD CHUNGI NAKA DISTRICT ASHOKNAGAR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI D.S.RAGHUVANSHI - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY VALLABH BHAWAN,
BHOPAL (MADHYA PRADESH)**
- 2. COLLECTOR AND COMPETENT AUTHORITY
ASHOKNAGAR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI M.S.JADON - GOVERNMENT ADVOCATE)

(BY SHRI RAHUL BANSAL - INTERVENER FOR MS. ALKA YADAV)

(BY SHRI MAYANK PATHAK - INTERVENER FOR MS. BAI SAHAB YADAV)

*This petition coming on for admission this day, the court passed the
following:*

ORDER

The present petition is preferred under Article 226 of the Constitution
seeking following reliefs:-

*(i) That, the impugned notice (Annexure P-1) may
kindly be quashed and set aside.*

*(ii) That, it may be held that the elections of
President Jila Panchayat Ashoknagar may be directed*

to be conducted only after the election of Member of Ward No.5 of Jila Panchayat Ashoknagar.

(iii) That, the respondents be further directed to henceforth conduct the elections of Ward No.5 of Jila Panchayat Ashoknagar.

(iv) That, the respondents may kindly be further directed to handover the charge of President to the petitioner Vice President.

(v) That, other relief which is just and proper in the facts and circumstances of the case may also be granted.

2. It is the grievance of the petitioner that till the election of member of Ward No.5 of Jila Panchayat Ashoknagar is carried out, election of President may not be held.

3. Learned counsel for the respondent/State Shri M.S.Jadon, informs this Court that earlier 30.12.2023 was fixed for election of President of Jila Panchayat Ashoknagar but vide order dated 29.12.2023, said proceedings were kept in abeyance and now next date is being fixed as 27.01.2024 for election of Member of Ward No.5 of Jila Panchayat Ashoknagar. Once member is elected thereafter, election of President of Jila Panchayat shall be carried out in the month of February, 2024.

4. At this stage, learned counsel for the petitioner relied upon the Rule 5 of M.P. Panchayat (Powers and Functions of the Sarpanch and Up-Sarpanch of Gram Panchayat President and Vice-President of Janpad Panchayat and Jila Panchayat) Rules 1994 and submits that Vice-President in absence of President can function as President of the Jila Panchayat till election is carried out.

5. Perusal of Rule-5 apparently does not indicate so. Vice-President only in case of meetings when President is not available can preside over as

President and not otherwise. Therefore, contention of petitioner is misconceived. Thus, rejected. Respondents shall carry out the necessary proceedings regarding election in accordance with law as per the stipulated program.

6. Petition stands disposed of accordingly.

(ANAND PATHAK)
JUDGE

Ashish*

