

67 (8)

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Single Bench

IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

Writ Petition (C) No. 2294 /2014

PETITIONERS :1.

Chinta Ram Sahu S/o. Sakharam Sahu aged about 33 years, Occupation Agriculturist, R/o, Village Limgaon, Gram Panchayat Limgaon, Thana-Sarangarh, Civil & Revenue Distt.- Raigarh (C.G.)

P.B.No. 2294/14
Presented by Shri S.M. Sahu
dated 24/11/14

2.

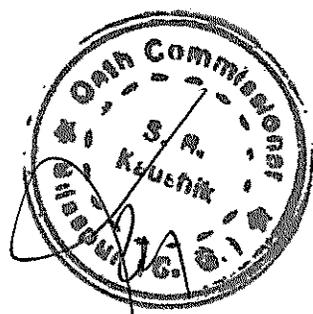
Kushal Kumar Sahu, S/o. Setram Sahu, aged about 28 Years, Occupation Agriculturist, R/o, Village Kedar, Gram Panchayat Kedar, Thana- Sarangarh, Civil & Revenue Distt.- Raigarh (C.G.)

3.

Banshidhar S/o. Shri Mangal Sahu, aged about 33 Years, Occupation Agriculturist, R/o, Village Amaldiha, Gram Panchayat Amaldiha, Thana- Sarangarh, Civil & Revenue Distt.- Raigarh (C.G.)

4.

Bodhiram Sahu S/o. Shri Ramlal Sahu, aged about 45 Years, Occupation Agriculturist, R/o, Village Amalipali (A), Gram Panchayat Amalipali (A), Thana-Sarangarh, Civil & Revenue Distt.- Raigarh (C.G.)



5.

Man Mohan Bariha S/o. Shri Goverdhan Bariha, aged about 25 Years, Occupation Agriculturist, R/o, Village Deogaon (Patharipali) , Gram Panchayat Deogaon (Patharipali), Thana- Sarangarh, Civil & Revenue Distt.- Raigarh (C.G.)

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6. Namkaran Sidar S/o. Shri Puniram Sidar, aged about 37 Years, R/o, Village Chhind , Gram Panchayat Chhind, Thana- Sarangarh, Civil & Revenue Distt.- Raigarh (C.G.)

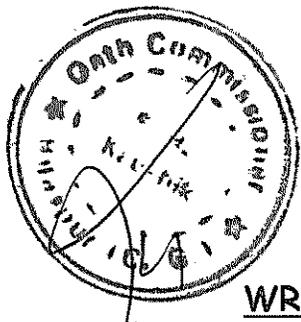
VERSUS

RESPONDENTS

- 1] State of Chhattisgarh, Through: Secretary Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (C.G.)

- 2] State of Chhattisgarh, Through: Secretary General Administrative Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (C.G.)

- 3. Collector, Raigarh, Civil and Revenue District - Raigarh (C.G.)



WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA



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HIGH COURT OF CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri Prashant Kumar Mishra, J.

Writ Petition (C) No.2577 of 2014

Petitioner

Ramprasad

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2146 of 2014

Petitioner

Geja Ram

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2147 of 2014

Petitioner

Sauki Lal Bariha

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2150 of 2014

Petitioner

Khageshwar Ratre

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2151 of 2014

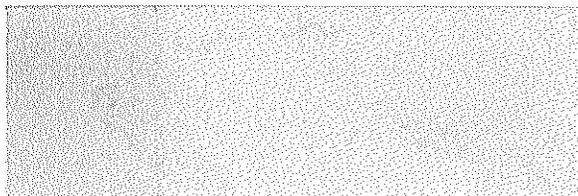
Petitioner

Jaduram Ratre

Versus

Respondents

State of Chhattisgarh and others



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Writ Petition (C) No.2148 of 2014

Petitioner Babulal Chouhan
Versus
Respondents State of Chhattisgarh and others

Writ Petition (C) No.2294 of 2014

Petitioners Chinta Ram Sahu and others
Versus
Respondents State of Chhattisgarh and others

Writ Petition (C) No.2316 of 2014

Petitioner Rajkumar Ogre
Versus
Respondents State of Chhattisgarh and others

Writ Petition (C) No.2252 of 2014

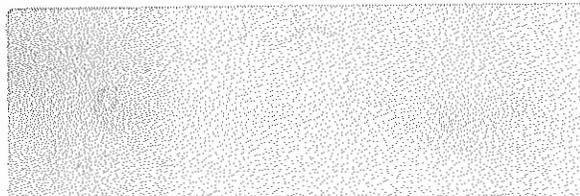
Petitioner Dhruv Narayan Miri
Versus
Respondents State of Chhattisgarh and others

Writ Petition (C) No.2314 of 2014

Petitioner Setram Bada
Versus
Respondents State of Chhattisgarh and another

Writ Petition (C) No.2315 of 2014

Petitioner Prem Lal
Versus
Respondents State of Chhattisgarh and others



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Writ Petition (C) No.2343 of 2014

Petitioner

Harishankar Lahare

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2352 of 2014

Petitioner

Panchu Ram Sonwani

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2353 of 2014

Petitioner

Bhukan Lal Sinha

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2357 of 2014

Petitioners

Subhash Kurre and others

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2374 of 2014

Petitioner

Dewnarayan Chandrakar

Versus

Respondents

State of Chhattisgarh and others

Writ Petition (C) No.2387 of 2014

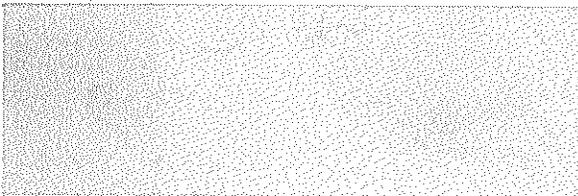
Petitioner

Awadhesh Singh Gautam

Versus

Respondents

State of Chhattisgarh and others



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Writ Petition (C) No.2431 of 2014

Petitioner Manglu Ram Sahu
Versus
Respondents State of Chhattisgarh and others

Writ Petition (C) No.2394 of 2014

Petitioner Manoharlal Dhruv
Versus
Respondents State of Chhattisgarh and others

Writ Petition (C) No.2564 of 2014

Petitioner Bharat Pal
Versus
Respondents State of Chhattisgarh and another
And

Writ Petition (C) No.2590 of 2014

Petitioners Prashant Verma and another
Versus
Respondents State of Chhattisgarh and others

Present :- Shri K.K. Singh, Shri A.H. Syed, Shri Dheeraj Wankhede, Shri C.R. Sahu, Shri Sameer Singh, Shri P.K. Patel, Shri J.N. Nande, Shri Ravindra Agrawal, Shri Vikram Dixit, Shri Manoj Paranjape, Shri J.S. Baraik, A.N. Pandey and Shri Sunil Sahu, Advocates for the respective petitioners.

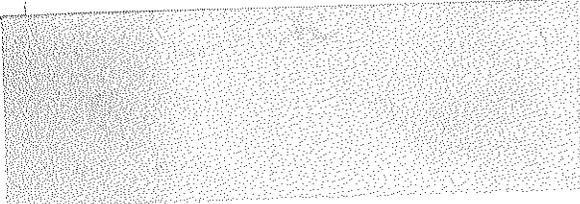
Shri Prafull Bharat, Additional Advocate General with Shri S. Rathore, Dy. Government Advocate for the State.

Shri R.S. Marhas, Advocate for the respondent/State Election Commission

ORAL ORDER

(Passed on this 8th day of January, 2015)

1. The present batch of writ petitions have been preferred by the petitioners assailing the reservation/delimitation of wards of Gram Panchayats/Janpad Panchyats/Zila Panchayats, as the case may be.
2. The petitioners of WP (C) Nos.2146, 2147, 2150, 2151, 2148, 2294, 2316, 2315, 2352, 2353 & 2374 of 2014 have also challenged the order passed by the concerned Collector under Section 33-A of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam, 1993'), to cancel/recall the reservation already made and making fresh reservation.
3. According to the petitioners, power under Section 33-A of the Adhiniyam, 1993 can be exercised only to correct the clerical error whereas the concerned Collector has recalled the entire earlier notification for some of the blocks on the reasoning that earlier there is some illegality while making reservation.
4. Admittedly, the State Election Commission has issued a notification on 23.12.2014 notifying the schedule of elections of Gram Panchayats/Janpad Panchyats/Zila Panchayats.



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Thus, the election process has already commenced and any interference with the reservation/delimitation of seats made in Gram Panchayats or Janpad Panchyats or Zila Panchayats, as the case may be, at the stage, would have the effect of interfering with the election process, which is not at all permissible in view of the provisions contained under Article 243-O of the Constitution of India.

5. In view of the above, all the writ petitions are dismissed, however, the issue as to whether the kind of order under challenge can be passed by the Collector under Section 33-A of the Adhinyam, 1993 is left open to be decided in an appropriate case.

Sd/-
Prashant Kumar Mishra
Judge

Gowri