
(2022) 09 CHH CK 0072

Chhattisgarh High Court

Case No: Writ Appeal No. 497 Of 2022

Khilanand Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Sept. 29, 2022

Hon'ble Judges: Arup Kumar Goswami, CJ; Deepak Kumar Tiwari, J

Bench: Division Bench

Advocate: Prateek Sharma, Raghvendra Pradhan, Rajeev Shrivastava, Sourabh Sahu

Final Decision: Disposed Of

Judgement

Arup Kumar Goswami, CJ

1. Heard Mr. Prateek Sharma, learned counsel for the appellants. Also heard Mr. Raghvendra Pradhan, learned Additional Advocate General,

appearing for respondents No. 1 & 2 and Mr. Rajeev Shrivastava, learned senior counsel, assisted by Mr. Sourabh Sahu, learned counsel, appearing

for respondent No. 4/writ petitioner.

2. This writ appeal is presented against an order dated 08.03.2022 passed by the learned Single Judge in Writ Petition (C) No. 1192 of 2022.

3. The respondent No. 4/writ petitioner is the elected President of Nagar Panchayat, Gurur. There are 14 councillors, apart from the President.

4. On 09.02.2022, 12 councillors filed an application for initiating a 'no confidence motion' against the writ petitioner.

5. Pursuant thereto, the Collector, Balod by an order dated 25.02.2022 convened a meeting for discussing 'no confidence motion' on 11.03.2022. The

said order was put to challenge by filing writ petition, numbered as Writ Petition (C) No. 1192 of 2022.

6. The learned Single Judge, on 08.03.2022, passed the following order:

Mr. Rajeev Shrivastava, Sr. Advocate with Mr. Sourabh Sahu, Advocate for the petitioner.

Mr. Aditya Tiwari, Panel Lawyer for the State.

Heard on petition and also on application for grant of interim relief.

Learned State counsel representing respondent No. 1 and 2 is praying for time to file reply.

Notice be also issued to all the remaining respondents.

Process fee be paid within a period of 03 days.

List this case after four weeks.

In the meanwhile, the effect and operation of the impugned order dated 25.02.2022 (Annexure-P/1) shall remain stayed until the next date of hearing.

7. It is against the said interim order granted, this appeal is filed.

8. Mr. Prateek Sharma, learned counsel for the appellants, who are 9 out of the 12 councillors, who had requisitioned for convening a meeting for

considering 'no confidence motion', has submitted that contention raised in the writ petition has been rejected by judgment of this Court dated

10.08.2022 in Writ Appeal No. 284 of 2022 (Satya Gupta v. State of Chhattisgarh & Others), and therefore, the writ petition itself is liable to be

dismissed. He submits that it is contended in the writ petition that the allegations made by the councillors having not been proved in a purported enquiry

conducted by the Collector, Balod through Chief Municipal Officer, meeting ought not to have been convened by the Collector.

9. Mr. Rajeev Shrivastava, learned senior counsel, appearing for respondent No. 4/writ petitioner submits that this appeal is not maintainable, as the

appeal is preferred against an interim order by which no rights of the parties have been finally determined.

10. Mr. Sharma submits that though the learned Single Judge had directed the matter to be listed after four weeks, even after more than six months,

the writ petition is not listed, as a result of which the appellants have been put to grave prejudice.

11. Considering the matter in its entirety, we deem it appropriate to direct the Registry to list the case before the appropriate Single Bench having

roster on 12.10.2022 immediately after the fresh matters for consideration.

12. With the above observations and directions, the writ appeal stands disposed of without notice to respondents No. 3 and 5 to 8 as we have not expressed any opinion on merits and as such no prejudice would be caused to them.