
(1985) 12 MP CK 0017
In the Madhya Pradesh High Court
Case No : M.P. No. 842 of 1985

Baboolal Mewara

APPELLANT

Vs

The State of M.P. and others

RESPONDENT

Date of Decision : 06-12-1985

Acts Referred:

Madhya Pradesh Panchayat Adhiniyam, 1981 — Section 19, 23(6)

Citation : (1986) MPLJ 521

Hon'ble Judges : T.N. Singh, J;K.M. Agrawal, J

Bench : Division Bench

Advocate : S.B. Mishra, for the Appellant;

Final Decision : Allowed

Judgement

Shri S.B. Mishra, counsel for the petitioner. Heard, Counsel has relied on Section 23(6) of the M.P. Panchayat Adhiniyam, 1981, in assailing the impugned order, Annexure A-2, but in our opinion the challenge is misconceived. We have no doubt that the Collector exercised the powers vested in him by Clause (ii) of Second proviso to Section 19 of the Act by declaring that the petitioner, who was holding the office of President of Janpad Panchayat, Vijaypur ceased to be a member of said Panchayat on being elected as a member of the State Legislature. The order is well within the jurisdiction of the Collector and accordingly it does not merit any interference in our hands.

We have no manner of doubt at all about the position contemplated under the 1st Proviso of Section 19(2). It manifests the intention of the Legislature to ensure that a member of the Legislative Assembly does not dabble in the affairs of more than one Janpad Panchayat and indeed it is for this purpose that in the second proviso he has been given specifically an option to make his choice and not only that the 3rd proviso makes the position further clear by proscribing the revocation of option once made during Panchayat's term of office. Nothing more need to be said to make the legal position clear as the legislative intent of the concerned provisions is clearly reflected in clear language which allows no

ambiguity to cloud the wholesome social objective sought to be achieved by the Legislative mandate. Panchayats, which serve local needs of the society must not turn political playgrounds to defeat the prime object. The provision of Section 23(6) relied on by counsel deals with a different situation and takes care of a different contingency; it is not in derogation of the provisions inscribed in Sec. 19 of the Act which shall apply equally to a person who is member or President or Vice-President of the Janpad Panchayat. We have, therefore, no doubt that this petition is meritless and it merits instant rejection.

The petition is rejected.