

(2020) 03 MP CK 0137

In the Madhya Pradesh High Court

Case No : Writ Petition No. 527 Of 2018

Munna Singh

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 17-03-2020

Acts Referred:

Citation : (2020) 03 MP CK 0137

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : Arpan Pawar, S.P. Mishra, Premendra Singh

Final Decision : Dismissed

Judgement

In W.P. No.527/2018 :

1. Petitioner in this writ petition has challenged Annexure P/7, dated 27.12.2017, by which notification was issued for conduct of election under Madhya Pradesh Panchayat Nirwahan Niyam, 1995.

2. The aforesaid notification was challenged on the ground that post of Sarpanch, Gram Panchayat Majhouli Khurd, Janpad Panchayat Karkeli, District Umaria is not vacant. Chief Executive Officer has passed order dated 03.07.2017, by which Sarpanch of Gram Panchayat Majhouli Khurd was removed from the post, but latter on the order of Chief Executive Officer has been stayed by the Commissioner, Shahdol on 03.07.2017. Because of said order passed by Commissioner, petitioner Munna Singh continued to remain Sarpanch of Gram Panchayat Majhouli Khurd, therefore, notification could not be issued and same is illegal.

3. The writ petition filed by the petitioner has become infructuous. The Commissioner vide its order dated 06.08.2018 has remanded the matter back to Chief Executive Officer for deciding it afresh and had set aside the order dated 03.07.2017, thereafter, Chief Executive Officer after giving opportunity of hearing

to the petitioner passed the order dated 28.01.2019, by which, petitioner has been removed from the post of Sarpanch. The appeal was preferred before the Commissioner alongwith application for staying the order of Chief Executive Officer. The Commissioner has also dismissed the application for stay on 25.02.2019.

4. In view of above, there is no stay over the order of removal of Sarpanch and post has fallen vacant, therefore, the writ petition No.527/2018 filed by the petitioner is dismissed.