

# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

Writ Petition (C).....No. 25 of 199X 2000

Sangita Chettri.....Petitioner/Appellant

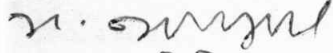
Versus

Ongchy Lepcha & State.....Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
	23.5.2000	<p>Present : Mr. N. B. Kharga, Advocate for the petitioner.</p> <p>Mr. S.P. Wangdi, Advocate General with Mr. Karma Thinlay, Asstt. Govt. Advocate for respondent No.2.</p> <p>None for respondent No.1.</p> <p>Heard on admission.</p> <p>This writ petition is to challenge letter No.243/DDO/South dated 17<sup>th</sup> May, 2000 issued by the District Development Officer, Namchi, Rural Development Department, Namchi, South Sikkim. The petitioner who is a Member of Rateypani Gram Sabha has been intimated by this letter that a meeting of the Gram Panchayat will be held on 24<sup>th</sup> May, 2000 at the office of the District Development Officer to review the resolution passed by the Gram Sabha on 2<sup>nd</sup> February, 2000. It is an admitted case of the petitioner and also the respondent No.2 that a resolution was passed by the Gram Panchayat on 2<sup>nd</sup> February, 2000 expressing no confidence in the respondent No.1 who is the Secretary of the Gram Panchayat. But no Notification</p>	

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		<p>has yet been issued by the Rural Development Department to notify the removal of respondent No.1.</p> <p>It is agreed by both the learned counsel that the expression in the letter dated 17<sup>th</sup> May, 2000, Annexure P8 that the earlier resolution was passed by the Gram Sabha on 2-2-2000 is wrong to the extent that it says that it was passed by the Gram Sabha and in fact it was passed by the Gram Panchayat. Thus the resolution dated 2-2-2000 expressing no confidence in respondent No.1 and also removing him was passed by the Gram Panchayat and that resolution is sought to be reviewed also by the Gram Panchayat. However, learned counsel for the petitioner submits that the Gram Panchayat does not have the jurisdiction to review its earlier decision since the earlier meeting was held not only of the members of the Gram Panchayat but of the whole body i.e. the Gram Sabha.</p> <p>I see no merit in the submission of the learned Counsel for the petitioner for the reason that if any members of the Gram Sabha other than the members of the Gram Panchayat were also present in the meeting, that did not enhance the value of the resolution passed in that meeting, since the persons who were under the law competent to pass the resolution were, admittedly, only the members of the Gram Panchayat and other members of</p>	

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		<p>the Gram Sabha had no role to play under the statute in that matter. Section 21 of the Sikkim Panchayat Act, 1993 states:-</p> <p style="text-align: center;">“21. No matter once finally disposed of by the Gram Panchayat shall be reconsidered by it within a period of six months unless the recorded consent of not less than one half of its total number of members has been obtained thereto.”</p> <p>There is no dispute that consent of not less than one half of the total number of members of the Gram Panchayat has already been obtained to convene the meeting for review of the earlier resolution dated 2<sup>nd</sup> February, 2000. Thus review of the earlier resolution dated 2.2.2000 is permissible under Section 21.</p> <p>The petition is dismissed in limine.</p> <p style="text-align: right;"> 23.5.2000 ( R. Dayal ) Chief Justice <u>23.05.2000</u></p>	