



2026:CGHC:32153



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 654 of 2026**

Jayprakash Sahu S/o Ajitram Sahu Aged About 53 Years R/o Village
Armarikhurd, P.O. Buttrel, Tehsil Patan, Dist. Durg (C.G.)

... Petitioner**versus**

1 - State Of Chhattisgarh Through Chief Executive Officer, Janpad
Panchayat Patan, Tehsil Patan, Dist. Durg (C.G.) (Note- Chaganlal
Sahu Who Was Respondent No.1 In The Impugned Order Has Passed
Away On 20.12.2025 And Therefore Has Not Been Impleaded In The
Present Writ Petition)

2 - The Commissioner Durg Division, Durg (C.G.)

3 - The Collector Durg District, Durg (C.G.)

4 - Sub Divisional Officer Patan District Durg (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Swapnil Thawaney, Advocate on behalf of Mr. P.R. Patankar, Advocate
For State/Respondents	:	Mr. Rajkumar Gupta, Additional Advocate General

Hon'ble Shri Amitendra Kishore Prasad, Judge**Order on Board****27.07.2026**



1. By filing the present writ petition, the petitioner calls in question the legality, validity and propriety of the order dated 06.11.2025 passed by the Commissioner, Durg Division, Durg in Revision Case No.200-A-89/2024-25, whereby the revision preferred by the petitioner under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 has been dismissed and the orders dated 16.12.2024 passed by the Collector, Durg in appeal and 27.03.2023 passed by the Sub-Divisional Officer (Revenue), Patan directing recovery against the petitioner on account of alleged financial irregularities committed during his tenure as Sarpanch have been affirmed. The petitioner has prayed for following relief(s) :-

“10.1 That, this Hon'ble Court may kindly be pleased to call for entire records relating to passing of the impugned order by the Commissioner, as well as Collector and S.D.O. Patan for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to quash the order of the dated Commissioner impugned 06.11.2025, (Annexure P/8) being violative of the principles of Natural Justice and remand the matter back to the S.D.O to decide the same after giving proper opportunity of hearing to the petitioner.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief which this Hon'ble Court may deem fit in the facts and



circumstances of the present case including cost of the petition.”

2. Brief facts of the case are that the petitioner was elected as the Sarpanch of Gram Panchayat Armarikhurd and discharged his duties till the year 2015. Subsequently, on the basis of certain complaints alleging financial irregularities during his tenure, the Chief Executive Officer, Janpad Panchayat, Patan constituted a two-member enquiry committee, which submitted its report on 19.12.2019. Relying upon the said enquiry report, respondent No.1/complainant preferred a complaint before the Sub-Divisional Officer (Revenue), Patan, whereupon proceedings were registered against the petitioner. During the course of the proceedings, the petitioner appeared before the authority and sought reasonable opportunity to file his detailed reply after receiving copies of the relevant documents. However, according to the petitioner, instead of granting sufficient time to file his written statement and defence, the application seeking adjournment was rejected and the matter was straightaway posted for final arguments.
3. It is the further case of the petitioner that, having been denied an opportunity to file his written statement, he was constrained to submit written arguments in support of his defence. Nevertheless, the Sub-Divisional Officer, Patan, by order dated 27.03.2023, accepted the findings recorded in the enquiry report, held the allegations of financial irregularities to be proved and directed recovery of the amount from the petitioner. Aggrieved thereby, the



petitioner preferred an appeal before the Collector, Durg, which came to be dismissed by order dated 16.12.2024. Thereafter, the petitioner preferred a revision before the Commissioner, Durg Division, Durg, which too was dismissed by the impugned order dated 06.11.2025, giving rise to the present writ petition.

4. Learned counsel for the petitioner submits that the impugned orders passed by the Sub-Divisional Officer, the Collector and the Commissioner are wholly arbitrary and unsustainable in law as the entire proceedings stand vitiated on account of violation of the fundamental principles of natural justice. It is contended that although the petitioner had appeared before the Sub-Divisional Officer on every date fixed, copies of the relevant documents were supplied only on 14.09.2022 and when the petitioner sought reasonable time on 22.09.2022 to file his written statement, the said application was rejected on the very same day and the matter was fixed for final arguments. According to the learned counsel, the petitioner was thus deprived of his valuable right to file his defence, produce documentary as well as oral evidence and effectively contest the proceedings.
5. Learned counsel further submits that the petitioner had thereafter filed detailed written submissions before the Sub-Divisional Officer explaining each of the allegations levelled against him, but the same were neither considered nor discussed in the order dated 27.03.2023. It is also contended that the petitioner was not



afforded any opportunity to lead evidence or cross-examine any witness in support of his defence. Despite these serious procedural lapses, both the appellate as well as the revisional authorities mechanically affirmed the findings recorded by the Sub-Divisional Officer without independently examining the petitioner's grievance regarding denial of reasonable opportunity of hearing.

6. It is further submitted that the Commissioner has erroneously observed that the petitioner had failed to adduce evidence despite being afforded adequate opportunity, whereas, in fact, no such opportunity was ever granted. Learned counsel would also submit that the complainant remained ex parte before the revisional authority and no arguments were advanced on his behalf; nevertheless, the revision was dismissed without proper consideration of the grounds raised by the petitioner. Placing reliance upon the decisions of the Hon'ble Supreme Court in ***Maneka Gandhi v. Union of India, (1978) 1 SCC 248*** and ***Krishnadatt Awasthi v. State of Madhya Pradesh & Others, 2025 INSC 126***, it is argued that any order passed in violation of the principles of natural justice is a nullity in the eyes of law and is liable to be set aside.
7. Per contra, learned State counsel appearing for the respondents opposes the submissions advanced on behalf of the petitioner and submits that no illegality has been committed by the authorities



concerned while passing the impugned orders. It is contended that the petitioner was duly served with notices during the course of proceedings before the Sub-Divisional Officer, Patan and he participated in the proceedings. It is further submitted that the petitioner was supplied with the relevant documents and was granted sufficient opportunity to put forth his defence. Learned State counsel submits that the petitioner, instead of availing the opportunity granted to him, chose not to file his detailed reply within the time granted and, therefore, he cannot subsequently allege violation of the principles of natural justice.

8. Learned State counsel further submits that the petitioner has not challenged the order dated 22.09.2022, whereby his application seeking further time for filing reply was rejected, before any competent appellate or revisional authority. It is contended that the petitioner was aware of the proceedings and had participated therein. It is further submitted that the petitioner had ultimately filed written submissions on 02.11.2022, which clearly demonstrates that he was afforded an opportunity of hearing and the allegation of denial of opportunity is wholly misconceived. According to the learned State counsel, merely because the petitioner was unable to convince the authorities on merits, the same cannot be termed as violation of natural justice. It is therefore prayed that the writ petition being devoid of merits deserves to be dismissed.



9. I have heard learned counsel for the parties and perused the material available on record.
10. From the perusal of the record, it appears that proceedings were initiated against the petitioner before the Sub-Divisional Officer (Revenue), Patan on the basis of the complaint supported by the enquiry report submitted by the two-member committee constituted by the Chief Executive Officer, Janpad Panchayat, Patan. It is also apparent that the petitioner was served with notice and had appeared in the proceedings. However, the issue which arises for consideration before this Court is as to whether the petitioner was afforded a fair and reasonable opportunity to defend himself before passing an order directing recovery against him.
11. From the proceedings placed on record, it appears that the copies of the relevant documents were supplied to the petitioner on 14.09.2022 and thereafter, on 22.09.2022, the petitioner moved an application seeking further time to submit his reply. The said application came to be rejected by the Sub-Divisional Officer on the same date and the matter was thereafter proceeded towards final hearing. It further appears that the matter was subsequently taken up on 20.10.2022, on which date the parties were not present, and thereafter the petitioner submitted his written submissions on 02.11.2022.
12. This Court is conscious of the fact that the petitioner had submitted written arguments before the authority concerned;



however, mere submission of written arguments cannot substitute the requirement of providing an effective and meaningful opportunity of hearing, particularly when the proceedings involve serious allegations of financial irregularities and have resulted in an order directing recovery of an amount from the petitioner.

13. From the perusal of the order passed by the Sub-Divisional Officer, Patan dated 27.03.2023, it is evident that the authority has relied upon the enquiry report and the allegations levelled against the petitioner. However, the order does not reflect that the petitioner was afforded an opportunity to lead evidence in support of his defence or to controvert the material relied upon against him. There is also nothing available on record to demonstrate that the petitioner was granted an opportunity to cross-examine any person whose statement or material was relied upon for recording findings adverse to him.
14. The proceedings before the Sub-Divisional Officer, though administrative in nature, had serious civil consequences upon the petitioner, as the final order directed recovery of the alleged amount from him. In such circumstances, the authority was required to follow the settled principles of natural justice and ensure that the petitioner was granted a reasonable and effective opportunity to meet the allegations levelled against him.
15. The principle of *audi alteram partem* is not an empty formality but requires that a person likely to be affected by an adverse order



must be given a fair opportunity not only to submit his explanation but also to controvert the material relied upon against him. In the present case, the allegations contained in the enquiry report were required to be properly rebutted by the petitioner, for which he ought to have been granted an opportunity to submit his reply, produce evidence in support of his defence and, if required, cross-examine the persons whose statements or materials were relied upon by the authority.

16. The Hon'ble Supreme Court in ***Krishnadatt Awasthy v. State of Madhya Pradesh & Others, (2025) 7 SCC 545***, has reiterated that the principle of *audi alteram partem* is an essential component of natural justice and a person likely to be affected by an adverse order must be granted a fair and effective opportunity of hearing. The Court has held that where there is a complete denial of opportunity at the initial stage, such defect cannot be cured merely by providing an opportunity at a subsequent stage, by observing as under :-

“16. Judicial review of administrative actions are permissible on the grounds of illegality, unreasonableness or irrationality and procedural irregularity. Lord Diplock succinctly described each of the aforementioned grounds for judicial review as under: (Council of Civil Service Unions Case, AC pp.410-11)

“By “illegality” as a ground for judicial review I mean that the decision-maker



must understand correctly the law that regulates his decision-making power and must give effect to it. Whether he has or not is par excellence a justiciable question to be decided, in the event of dispute, by those persons, the Judges, by whom the judicial power of the State is exercisable.

By “irrationality” I mean what can by now be succinctly referred to as “Wednesbury [Associated Provincial Picture Houses v. Wednesbury Corpn., (1948) 1 KB 223 (CA)] unreasonableness”. It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. Whether a decision falls within this category is a question that Judges by their training and experience should be well equipped to answer, or else there would be something badly wrong with our judicial system. To justify the court's exercise of this role, resort I think is today no longer needed to Viscount Radcliffe's ingenious explanation in Edwards v. Bairstow [Edwards v. Bairstow, 1956 AC 14 : (1955) 3 WLR 410 (HL)] , of irrationality as a ground for a court's reversal of a decision by ascribing it to an inferred though unidentifiable mistake of law by the decision-maker. “Irrationality” by now can stand on its own feet as an



accepted ground on which a decision may be attacked by judicial review.

I have described the third head as “procedural impropriety” rather than failure to observe basic rules of natural justice or failure to act with procedural fairness towards the person who will be affected by the decision. This is because susceptibility to judicial review under this head covers also failure by an Administrative Tribunal to observe procedural rules that are expressly laid down in the legislative instrument by which its jurisdiction is conferred, even where such failure does not involve any denial of natural justice. But the instant case is not concerned with the proceedings of an Administrative Tribunal at all.”

17. It is equally well-settled that courts under its writ jurisdiction do not interfere with selections made by expert bodies by reassessing the comparative merits of the candidates. Interference with selections is limited to decisions vitiated by bias, malafides and violation of statutory provisions. Additionally, this Court has also held that administrative action can be reviewed on the ground of proportionality if it affects fundamental rights guaranteed under Article 19 and 21 of the Constitution of India.

18. In this case, our primary focus is on procedural impropriety and in particular, the breach of the principles of natural justice. The



process for arriving at a decision is equally significant as the decision itself. If the procedure is not 'fair', the decision cannot be possibly endorsed. The principles of natural justice as derived from common law which guarantee 'fair play in action'⁹, has two facets which include rule against bias and the rule of fair hearing. Additionally, a reasoned order has also been regarded as a third facet of the principles of natural justice¹⁰ and holds utmost significance in ensuring fairness of the process."

17. Reverting to the facts of the present case, it is quite vivid from the proceedings placed on record that the petitioner was proceeded against on the basis of allegations of financial irregularities and the enquiry report submitted by the two-member committee. The said proceedings ultimately resulted in an order directing recovery of the alleged amount from the petitioner, thereby causing serious civil consequences. Though the petitioner was issued notice and appeared before the Sub-Divisional Officer, however, the record reflects that after supply of documents on 14.09.2022, when the petitioner sought reasonable time to submit his detailed reply on 22.09.2022, the said prayer was declined and the matter was proceeded for final hearing. The petitioner was thereafter permitted only to submit written arguments, but no effective opportunity appears to have been granted to him to file a comprehensive reply, lead evidence in support of his defence or controvert the material relied upon against him. Thus, the



procedure adopted by the authority concerned cannot be said to satisfy the requirement of a fair and effective hearing, particularly when the order passed has adverse civil consequences upon the petitioner. The appellate as well as revisional authorities also failed to examine this aspect and mechanically affirmed the order passed by the Sub-Divisional Officer. Therefore, in the light of the principles laid down by the Hon'ble Supreme Court in **Krishnadatt Awasthy** (supra), the decision-making process in the present case stands vitiated on account of procedural impropriety and violation of the principles of natural justice.

18. The appellate authority i.e. Collector, Durg as well as the revisional authority i.e. Commissioner, Durg Division have affirmed the order passed by the Sub-Divisional Officer, primarily on the ground that the petitioner had submitted written arguments and, therefore, sufficient opportunity was granted to him. However, the said authorities have failed to examine the fundamental issue regarding denial of opportunity to file a proper reply, lead evidence and cross-examine the witnesses/material relied upon against the petitioner.
19. In the considered opinion of this Court, the fact that the petitioner submitted written arguments cannot by itself cure the procedural defect arising out of denial of an effective opportunity of hearing. The authorities were required to examine whether the petitioner



was given a real and reasonable opportunity to defend himself before passing an order having adverse civil consequences.

- 20.** Considering the aforesaid facts and circumstances of the case, this Court is of the view that the order dated 27.03.2023 passed by the Sub-Divisional Officer (Revenue), Patan, as affirmed by the Collector, Durg vide order dated 16.12.2024 and by the Commissioner, Durg Division vide order dated 06.11.2025, cannot be sustained as the same have been passed without ensuring compliance with the principles of natural justice.
- 21.** Accordingly, the order dated 06.11.2025 passed by the Commissioner, Durg Division in Revision Case No.200-A-89/2024-25, order dated 16.12.2024 passed by the Collector, Durg and order dated 27.03.2023 passed by the Sub-Divisional Officer (Revenue), Patan are hereby set aside. The matter is remanded back to the Court of the Sub-Divisional Officer (Revenue), Patan, District Durg for fresh consideration in accordance with law.
- 22.** The Sub-Divisional Officer (Revenue), Patan shall grant an opportunity to the petitioner to file his detailed reply, produce documentary and oral evidence, and also provide an opportunity to cross-examine the witnesses, if any, whose statements or materials are relied upon against him. Thereafter, after granting due opportunity of hearing to all concerned parties, the Sub-Divisional Officer shall pass a fresh reasoned and speaking order in accordance with law.



- 23.** The petitioner is directed to appear before the Court of Sub-Divisional Officer (Revenue), Patan, District Durg on 19.08.2026 along with a copy of this order. The concerned authority shall thereafter proceed with the matter and endeavour to decide the same expeditiously, preferably within a period of 45 days from the date of first appearance of the petitioner, by passing a reasoned and speaking order.
- 24.** It is made clear that this Court has not expressed any opinion on the merits of the allegations levelled against the petitioner and the matter shall be decided by the Sub-Divisional Officer, Patan independently on the basis of material available on record and after following due process of law.
- 25.** With the aforesaid observations and directions, the writ petition stands **allowed** and disposed of.
- 26.** There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge