

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2307 of 2022

- Ram Surat Singh S/o Shri Madhav Singh Aged About 36 Years Sarpanch Gram Panchayat Chhattarpur, R/o Indarpur Tehsil Ramchandrapur, District Blarampur Ramanujgaonj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Social Welfare, Nawa Raipur District Raipur Chhattisgarh.
2. Collector, Balrampur Ramanujanj Chhattisgarh.
3. Sub Divisional Officer Revenue Ramanujanj, District Balrampur Ramanujanj Chhattisgarh.
4. Cheif Executive Officer, Janpad Panchayat Ramchandrapur, District Balrampur Ramanujanj Chhattisgarh.
5. Superintendent Of Police, Balrampur Ramanujanj Chhattisgarh.
6. Mumtaz Khan S/o Majid Khan, Up- Sarpanch
7. Jageshwar Singh S/o Rambadan Singh,
8. Smt. Bhukhli Kurre W/o Prabhu Prasad Kurre
9. Dinesh Singh S/o Baleshwar Singh
10. Smt. Sonamati W/o Balram Singh
11. Smt. Savita Devi W/o Shivkumar Singh
12. Mantu Singh S/o Vindeshwar Singh
13. Johara Bibi W/o Mokhtar Ansari
14. Apasana Khatun W/o Baitulla Ansari

All Panch Gram Panchayat Chhattarpur, Janpad Panchayat Ramchandrapur District Balrampur Ramanujanj, Chhattisgarh.

----Respondents

13.05.2022	Shri Awadh Tripathi, counsel for the petitioner. Ms Priyamvada Singh, PL for the State. Heard.

Issue notice to respondents.

Learned State counsel accepts notice for respondents-1 to 3 and 5 and prays for four weeks' time to file reply.

On payment of PF issue notice to respondents-4, and 6 to 14. PF as per rules.

Also heard on IA-1 of 2022, application for grant of stay.

Learned counsel for the petitioner would submit that private respondents have submitted an application for initiating proceeding under Section 40 of the Chhattisgarh Panchayat Raj Act, 1993 (for short, 'Act of 1993') against petitioner (Sarpanch). Prescribed authority ie respondent-3 took cognizance of application and initiated proceeding, issued notice to petitioner seeking reply/explanation. Petitioner submitted his reply, denying allegations made therein the application. He contended that respondent-3 only considering reply, has passed final order against petitioner, which is in violation of Section 40 of the Act of 1993. Section 40 provides that prescribed authority may take steps for removal of Office bearer, after conducting enquiry. Enquiry means, recording evidence of complainant and providing opportunity of evidence to petitioner also.

In support of his contention, learned counsel for the petitioner

referred to proceeding of respondent-3 vide Annexure P4, which started on 04.04.2022 and concluded on 28.04.2022. He submits that respondent-3 has not fixed the case for recording evidence of any of the parties.

Learned State counsel opposes submissions of learned counsel for the petitioner and would submit that after issuance of Show Cause Notice granting liberty to file reply, order is passed. Impugned order is appealable under the Chhattisgarh Panchayat Raj Adhiniyam Rules, 1995.

I have heard learned counsel for the parties.

Taking into consideration submissions made by learned counsel for the parties, respondent-3 has passed impugned order Annexure P1 without recording evidence of parties, it is directed that effect and operation of impugned dated 28.04.2022 (Annexure P1) shall remain stayed till the next date of hearing.

List this case after four weeks.

Sd/-
(Parth Prateem Sahu)
JUDGE