



2026:CGHC:21552



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2298 of 2026

Mahendra Shriwas S/o Late Shri Bharatlal Shriwas Aged About 49 Years R/o Village- Pawani, Thana- Bilaigarh, Distt.- Sarangarh-Bilaigarh (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

2 - Collector Sarangarh Distt.- Sarangarh-Bilaigarh (C.G.)

3 - Sub Divisional Officer (Revenue) Bilaigarh Distt.- Sarangarh-Bilaigarh (C.G.)

4 - Chief Executive Officer Janpad Panchayat Bilaigarh, Distt.- Sarangarh-Bilaigarh (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Sunil Sahu, Advocate

For Respondent(s) : Ms. Anusha Naik, Dy. G.A.

**Hon'ble Shri Justice Amitendra Kishore Prasad****Order on Board****08/05/2026**

1. The petitioner, Ex-Sarpanch of Gram Panchayat Pawani, seeks to challenge the order dated 06.02.2026 passed by the SDO (Revenue), Bilaigarh, District Sarangarh-Bilaigarh, whereby recovery of Rs. 2,95,781.50/- has been directed against the petitioner in proceedings initiated under Section 92 of the C.G. Panchayati Raj Adhiniyam, 1993 (hereinafter referred to as "the Adhiniyam, 1993"). The said order has been passed on the allegation that the petitioner had embezzled Gram Panchayat funds allotted for development works. Proceedings under Section 92 of the Adhiniyam, 1993 were initiated against the petitioner on the basis of an enquiry report alleging misappropriation of funds allocated for development works. As such being aggrieved by the aforesaid order, the present petition has been filed. The petitioner has prayed for following reliefs:

10.1 That, the Hon'ble Court may kindly be pleased to call for the record from the Court of Sub-Divisional Officer (Revenue) Bilaigarh, District-Sarangarh-Bilaigarh for kind perusal of this Hon'ble Court.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ by quashing the impugned order of recovery dated 06.02.2026 and notice of recovery dated 10.02.2026 and 16.02.2026 (Annexure P/1 and P/2) with complete



proceedings of Revenue Case No. 202504321100068-A/89 (Dhara 92) Varsh 2024-25 pending before the SDO Revenue Bilaigarh.

10.3 Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted.

2. Learned counsel for the petitioner submits that the impugned order dated 06.02.2026 has been passed without affording proper opportunity of hearing to the petitioner and without following the due procedure prescribed under law. It is contended that no adequate opportunity was granted and no evidence of witnesses was recorded prior to passing of the order. It is further submitted that during the COVID-19 pandemic period, certain funds were diverted for emergent purposes, however, there was no misappropriation in any manner. So far as payment to the concerned parties is concerned, the same was made in accordance with law.
3. Learned counsel further submits that the preparation and maintenance of muster rolls fall within the domain of the Secretary of the Gram Panchayat and the petitioner had no role in the same. It is also contended that the development works were duly executed and a resolution dated 29.04.2020 was passed in that regard. According to the petitioner, if there were any irregularities in preparation of bills or records, the responsibility would lie upon the Secretary of the Gram Panchayat and not upon the Sarpanch. Therefore, it is submitted that in absence of proper opportunity of



hearing and compliance of due procedure, the impugned order dated 06.02.2026, as well as the consequential notices initiating recovery proceedings, are per se illegal and liable to be quashed.

4. On the other hand, learned counsel for the respondent/State submits that the petitioner has directly approached this Court without availing the efficacious alternative remedy available under the statute. It is contended that against the order passed by the SDO (Revenue), the petitioner has a statutory remedy of appeal before the concerned Collector and, therefore, the present petition is not maintainable.
5. Having heard learned counsel for the parties and upon perusal of the record, it appears that the SDO (Revenue), Bilaigarh, passed the impugned order under Section 92 of the C.G. Panchayati Raj Adhiniyam, 1993 after conducting an enquiry into allegations of misappropriation of funds meant for development works. Notices were issued to the concerned persons and replies were also submitted. Thereafter, upon following the prescribed procedure, a detailed order was passed holding that there was misappropriation of funds amounting to Rs. 5,91,563/- relating to the 14th Finance Head, as the funds had allegedly been diverted and misappropriated in violation of Rules 38 and 39 of the C.G. Gram Panchayat Accounts Rules, 1999. Consequently, recovery to the extent of Rs. 2,95,781/- each was directed against the concerned Sarpanch and Secretary, and the Chief Executive Officer was directed to recover the said amount from them.



6. The present petitioner, being the Ex-Sarpanch, has challenged the said order primarily on the ground that due procedure was not followed. However, from perusal of the record, it is evident that an appeal against the order of the SDO lies before the concerned Collector, which remedy has not yet been availed by the petitioner. Therefore, without entering into the merits of the matter and considering the availability of an efficacious alternative remedy, this Court is of the view that the petitioner ought to approach the concerned Collector by way of appeal.
7. Accordingly, the petitioner is granted liberty to avail the alternative remedy available under law by filing an appeal before the concerned Collector challenging the order dated 06.02.2026. The petitioner is granted 15 days' time to file the appropriate appeal along with an application for interim relief. In the event such an application is filed, the concerned Collector shall consider and decide the application for interim relief within a further period of 30 days. Till consideration of the interim application by the concerned Collector, the respondents are directed not to take any coercive steps against the petitioner.
8. With the aforesaid observations, the present petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)

JUDGE