



Order Sheet

WPC No.3083 of 2021Teras Ram Yadav **Versus** State of Chhattisgarh & ors.

30/07/2021	Shri Anish Tiwari, counsel for the petitioner. Shri Sidhdharth Dubey, Dy. GA for the State. Shri Ravi Maheshwari, counsel for respondent No.6. Heard. Learned counsel for the petitioner would submit that the petitioner was removed by the SDO in exercise of power under Section 40 of the C.G. Panchayat Raj Adhiniyam, 1993 by order dated 09.07.2021. It is stated that the removal was primarily made on the ground that certain construction was made without the resolution. He would further submit that against such order, the petitioner has filed an appeal before the Collector and the Collector by order dated 20.07.2021 while considering the fact that the construction was made after the resolution was passed by the Gram Panchayat, has stayed the order of the SDO. Thereafter, respondent No.5 & 6 filed a revision before the Commissioner and the Commissioner has stayed the order of the Collector. He would, therefore, submit that the entire appeal filed by the petitioner would become infructuous in case the stay is removed and it will cause a damage to the petitioner. Issue notice to the respondents.



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Shri Sidhdharth Dubey, learned GA would appear and accept notice on behalf of respondents No.1 to 4 and Shri Ravi Maheshwari, learned counsel would appear and accept notice on behalf of respondent No.6.

Therefore, process fee be paid for service on respondent No.5 only.

Considering the fact that the appeal has already been filed and at this stage if the interim order is vacated after admission of the appeal, it may render the appeal infructuous, which is required to be decided on merits. Accordingly, the order dated 24.07.2021 passed by the Commissioner shall remain stayed till the next date of hearing.

List it after six weeks.

Certified copy as per rules.

Sd/-

Goutam Bhaduri

Judge

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