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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 511 of 2023

Smt. Bina Gendre W/o Shri Narendra Gendre Aged About 32 Years
Sarpanch Gram Panchayat Dhaba, R/o Village Dhaba, Block Dhamdha
Tahsil Dhamdha District Durg Chhattisgarh.

... Petitioner

versus

- 1 - State Of Chhattisgarh Through Secretary, Department Of Panchayat
And Social Welfare Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
- 2 - The Collector, Durg District Durg Chhattisgarh.
- 3 - Sub-Divisional Officer (R) Dhamdha, District Durg Chhattisgarh.
- 4 - Chief Executive Officer, Janpad Panchayat Dhamdha District Durg
Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Bharat Lal Dembra, Advocate
For Respondents/State	:	Mr. Shreyansh Mehta, P.L.

Hon’ble Shri Amitendra Kishore Prasad, Judge

Order on Board

11.09.2026

1. By filing the present writ petition, the petitioner calls in question
the order dated 05.01.2023 (Annexure P/1), whereby the appeal
preferred by the petitioner against the order of removal from the

office of Sarpanch and her disqualification for a period of six years under Section 40(2) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, has been dismissed. The petitioner has prayed for following relief(s):-

“10.1 The Hon'ble Court may kindly be pleased to issue a writ or direction, quashing/set-aside the order dated 05.01.2023 passed by the respondent no. 02 and consequentially also arising order passed by the respondent no. 03 on dated 22.09.2022 be quashed.

10.2 That, the Hon'ble Court may kindly be pleased to stay the effect and operation of the impugned order dated 05.01.2023 passed by the respondent no.2 till disposal of petition.

10.3 Any other relief which this Hon'ble Court may deems fit and proper looking to the facts and circumstances of the case may also be awarded to the petitioner including the cost and expenses of this petition. ”

2. Learned counsel appearing for the petitioner submits that the appellate authority, while deciding the appeal preferred by the petitioner, has failed to consider the specific grounds raised therein and has dismissed the appeal without recording any cogent or specific finding. It is submitted that the appellate authority was required to independently examine the grounds raised by the petitioner and record appropriate findings thereon, but instead, the appeal has been dismissed in a mechanical

manner. Learned counsel, therefore, submits that the impugned appellate order as well as the consequential order of removal and disqualification deserve to be set aside.

3. Per contra, learned State counsel opposes the submissions made on behalf of the petitioner and submits that the petitioner has an efficacious alternative remedy available under the provisions of law and, therefore, the present writ petition may not be entertained by this Court.
4. I have heard learned counsel for the parties and perused the material available on record.
5. Considering the fact that the tenure of the petitioner as Sarpanch has already come to an end and, so far as the period of six years of disqualification is concerned, approximately two and a half years have already elapsed, coupled with the fact that the next election is stated to be scheduled in the year 2030, this Court is of the view that no useful purpose would be served in examining the challenge to the impugned orders in exercise of writ jurisdiction, particularly when the petitioner has an efficacious alternative remedy available under the law.
6. Accordingly, without expressing any opinion on the merits of the case, the present writ petition is dismissed on the ground of availability of an efficacious alternative remedy. However, it is open for the petitioner to avail the said remedy, if so advised, in accordance with law. If such remedy is availed, the competent

authority shall consider the same on its own merits and in accordance with law.

7. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh