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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3212 of 2026

Shanti Khunte W/o Nand Kishore Khunte Aged About 35 Years R/o Tahsil Pamgarh, District- Janjgir-Champa (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Atal Nagar Nava Raipur, District- Raipur (C.G.)

2 - The Collector District Janjgir-Champa (C.G.)

3 - Sub-Divisional Officer (Revenue) Pamgarh, District Janjgir-Champa (C.G.)

4 - The Chief Executive Officer Janpad Panchayat, Pamgarh, District Janjgir-Champa (C.G.)

5 - The Secretary Gram Panchayat Mahka, Janpad Panchayat Pamgarh, District Janjgir-Champa (C.G.)

6 - Mahendra Kumar Goyal Up-Sarpanch, Gram Panchayat Mahka, Janpad Panchayat Pamgarh, District Janjgir-Champa (C.G.)

... Respondent(s)

For Petitioner(s)	:	Shri Atul Kumar Kesharwani, Advocate.
For State/respondent	:	Shri Anand Dadariya, Dy AG.
For Respondent No.6	:	Shri Manoj Paranjpe, Senior Advocate with Shri Arpan Verma, Advocates.
For Respondent No.5	:	Shri Yogesh Yadav, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

20/08/2026

1. This Writ Petition has been filed for the following reliefs:-

10.1. This Hon'ble Court may kindly be pleased to Quash and set aside the the impugned order dated 12.06.2026

(Annexure P-1) passed by respondent No. 03 under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, whereby the petitioner has been removed from the office of Sarpanch, in the interest of justice.

10.2. This Hon'ble Court may kindly be pleased to direct the respondent authorities to permit the petitioner to continue to discharge her duties and functions as the duly elected Sarpanch of Gram Panchayat Mahka, Janpad Panchayat Pamgarh, District Janjgir-Champa (C.G.), in the interest of justice.

10.3. This Hon'ble Court may kindly be pleased to grant any other writ/writs, order/ orders, relief/ reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.

2. Learned counsel for the petitioner submits that petitioner is the duly elected Sarpanch of Gram Panchayat Mahka, Janpad Panchayat Pamgarh, District Janjgir-Champa (Chhattisgarh). Since her election, the petitioner has been discharging the duties and responsibilities of the office of Sarpanch diligently, honestly and in accordance with the provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 and the rules governing Panchayati Raj Institutions. During the tenure of the petitioner as Sarpanch, respondent No. 6, Shri Mahendra Kumar Goyal, Up-Sarpanch of Gram Panchayat Mahka, submitted a complaint dated 30.09.2025 before respondent No. 3, Sub-Divisional Officer (Revenue), Pamgarh. In the said complaint, allegations were made against the petitioner regarding withdrawal and utilization of amounts from the 15th Finance Commission Fund and other Panchayat funds. It was alleged that the petitioner had withdrawn and utilized the Panchayat funds arbitrarily, without convening meetings of the Gram

Panchayat, without preparation of requisite estimates and without obtaining the consent or approval of the Panchs and the Up-Sarpanch. It was further alleged that the petitioner had thereby committed misappropriation of Panchayat funds. On the basis of the aforesaid complaint, respondent No. 3 issued a memo dated 11.03.2026 to respondent No. 4, Chief Executive Officer, Janpad Panchayat, Pamgarh, directing him to conduct an enquiry into the allegations and submit a report after verification and examination of the relevant records. Pursuant thereto, respondent No. 4 constituted a three-member enquiry committee to enquire into the allegations. The enquiry proceedings were undertaken on 02.12.2025 and 19.03.2026. The enquiry committee thereafter recorded findings adverse to the petitioner and prepared an enquiry report. The said report was forwarded to respondent No. 3 along with the letter dated 25.03.2026. Thereafter, respondent No. 3 initiated proceedings against the petitioner under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, on the basis of the complaint and the material collected during the enquiry. Notice was issued to the petitioner and a report was called for from the Chief Executive Officer, Janpad Panchayat, Pamgarh. The petitioner appeared before respondent No. 3 and sought reasonable time to submit her reply to the allegations. Thereafter, the petitioner submitted a detailed reply specifically denying and refuting the allegations levelled against her and contesting the material relied upon by the authorities. However, without affording the petitioner an effective and meaningful opportunity to defend herself, respondent No. 3 proceeded to pass the impugned order dated 12.06.2026, whereby the petitioner was held guilty of the alleged charges and was removed from the elected office of

Sarpanch of Gram Panchayat Mahka. He submits that the impugned order was not communicated or duly served upon the petitioner. The petitioner came to know about the said order subsequently. The petitioner submits that the proceedings culminating in the impugned order were conducted in breach of the principles of natural justice and fair procedure. During the course of the proceedings, the petitioner was not furnished with the complete documents, Panchayat records, statements, enquiry material and other material relied upon by the enquiry committee and respondent No. 3 for arriving at the adverse conclusions against her. Consequently, the petitioner was deprived of an effective opportunity to controvert the material relied upon against her. Learned counsel further submits that the petitioner was also not afforded a proper opportunity to adduce evidence in her defence or to effectively rebut the allegations and material relied upon by the respondents. Further, to the extent that statements or reports of persons were relied upon against the petitioner, no effective opportunity was provided to test or challenge such material. The proceedings under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 have resulted in the removal of a democratically elected Sarpanch from public office and have consequently entailed serious civil consequences. The petitioner, therefore, submits that the competent authority was required to conduct the proceedings fairly, transparently and in accordance with the principles of natural justice. The petitioner submits that the findings recorded against her have been arrived at without furnishing the relevant material and without providing an effective opportunity of defence. The alleged misconduct was not established against the petitioner through a fair and legally sustainable enquiry. Aggrieved by the impugned order dated

12.06.2026 passed by respondent No. 3, whereby the petitioner has been removed from the office of Sarpanch, the petitioner has approached this Court for appropriate relief against the illegal, arbitrary and unsustainable action of the respondents.

3. Learned counsel for the respondents, on the other hand, seeks to support the impugned order and submits that the action was taken on the basis of the complaint, the enquiry report and the material available on record.
4. Having heard learned counsel for the parties and having perused the material available on record, this Court finds that the proceedings culminating in the impugned order suffer from violation of the principles of natural justice. The petitioner was required to be afforded an effective and meaningful opportunity to defend herself against the allegations, particularly when the proceedings under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 culminated in her removal from an elected public office and consequently involved serious civil consequences.
5. From the material placed before this Court, it appears that the petitioner was not furnished with the complete material relied upon against her and was not afforded an adequate opportunity to effectively rebut the allegations and the findings recorded against her. The mere issuance of a notice or receipt of a reply cannot, by itself, be treated as compliance with the principles of natural justice where the delinquent is not given a meaningful opportunity to controvert the material relied upon by the authority.
6. Compliance of principle of natural justice is a serious business which cannot be done away with. This Court has in the case of Smt. Kamti Bai Vs. State of

Chhattisgarh and others in WPC No.2675 of 2017 decided on 11.012.2017

observed in paragraph No. 15 as under:-

"15. Reverting back to the facts of the case in hand, it is quite apparent that upon receipt of preliminary enquiry report which the Sub Divisional Officer (Revenue) got conducted beyond the back of the petitioner and which was submitted on 16-6-2016, the show cause notice was issued to the petitioner and after getting reply from the petitioner, straightway, the order of removal was passed. In fact, this is a case where no enquiry was done and mainly relying upon the report of ex parte preliminary enquiry, the Sub Divisional Officer (Revenue) has removed the petitioner from the post of Sarpanch. In order to establish the charge alleged against the petitioner, the Sub Divisional Officer (Revenue) has examined none and thus, no opportunity of hearing much less reasonable opportunity of hearing was granted to the petitioner to refute the said charges. Thus, the order of removal has been passed without following the mandate of Section 40(1) of the Act of 1993 and therefore it suffers from illegality as well as the principles of natural have been followed in its full breach and such illegality and non-compliance of audi alteram partem remain unnoticed by the learned Collector and the learned Commissioner as well."

7. In the circumstances, this Court is of the considered view that the impugned order dated 12.06.2026 cannot be sustained and is liable to be set aside on the ground of violation of the principles of natural justice. However, this Court has not examined the allegations against the petitioner on their merits.
8. Accordingly, the writ petition is **allowed in part**. The impugned order dated 12.06.2026 passed by respondent No. 3, Sub-Divisional Officer (Revenue),

Pamgarh, under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, is hereby quashed and set aside.

9. The matter is remanded to the Sub-Divisional Officer (Revenue), Pamgarh, to consider and decide the proceedings afresh in accordance with law. While undertaking the fresh proceedings, the competent authority shall furnish to the petitioner the relevant documents and material relied upon against her and shall afford her a proper, effective and meaningful opportunity of hearing, including an opportunity to adduce evidence and rebut the allegations and material placed against her.
10. After affording due opportunity to all concerned parties, the competent authority shall pass a fresh, reasoned and speaking order on the merits of the matter, strictly in accordance with law, preferably within a period of 90 days from the date of receipt of a certified copy of this order.
11. It is made clear that this Court has not expressed any opinion on the merits of the allegations or the defence of the petitioner. The competent authority shall decide the matter independently, uninfluenced by any observation made in this order, strictly on the basis of the material available on record and in accordance with law.
12. With the aforesaid directions, the writ petition stands disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash