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2026:CGHC:41195

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 878 of 2026

Chhat Ram Kashyap Son Of Shri Jagdish Prasad Kashyap Aged About 41 Years
Sarpanch, Gram Panchayat - Mahant, Janpad Panchayat - Nawagarh, Police
Station And Tahsil - Nawagarh, District - Janjgir-Champa (C.G.)

... Appellant

versus

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

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

3 - The Sub Divisional Officer (Rev.) Sub Division - Janjgir, District Janjgir-Champa
(C.G.)

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

5 - Venketeswaraditya Pradhan Son Of Shri Johan Lal Pradhan Aged About 50
Years R/o. Village Mahan, Tahsil Nawagarh, District Janjgir-Champa (C.G.)

... Respondents

For Petitioner : Mr. PK Patel, Ms. Dhaneshwari Patel and Mr.
Sudhir K. Shyam, Advocates

For Respondents 1 to 3/State : Mr. Prasoon Bhaduri, Dy. Advocate General

Hon'ble Mr. Krushna Ram Mohapatra, Chief Justice

Hon'ble Mr. Santosh Sharma, Judge

Order on Board

Per : Krushna Ram Mohapatra, Chief Justice

22/09/2026

1. The appellant in this intra-court appeal seeks to assail Order dated
13.08.2026 (Annexure-A/1) passed by the learned Single Judge in

WPC No.4203/2026.

2. The appellant/petitioner had filed WPC No.4203/2026 assailing issuance of notice under Sections 39 & 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for brevity 'the Adhiniyam').
3. Learned counsel for the appellant contends that the notice under Sections 39 & 40 of the Adhiniyam was an outcome of total non-application of mind. Ingredients of Sections 39 & 40 of the Adhiniyam are not attracted for issuance of a notice to show-cause. It is further submitted that no criminal proceeding as enumerated in Section 39(1) (a) of the Adhiniyam was pending against the appellant/petitioner at the time of the initiation of the proceedings under Sections 39 & 40 of the Adhiniyam. Thus, the show-cause notice was issued to harass the appellant and throw him out of the Office of Sarpanch, Gram Panchayat Mahant, Janpad Panchayat Nawagarh.
4. It is further submitted that the learned Single Judge, although noted the arguments raised, but did not discuss the same in the impugned order. The learned Single Judge should have made a preliminary enquiry with regard to veracity of the issuance of show-cause notice to the appellant/petitioner. Hence, the impugned Order under Annexure-A/1 is not sustainable and is liable to be set aside. Learned counsel further submits that notice (Annexure-A/2) issued under Sections 39 & 40 of the Adhiniyam should be struck down.
5. Mr. Prasoon Bhaduri, learned Dy. Advocate General for the State vehemently objects the above submissions. It is submitted that Section 39 (b) of the Adhiniyam makes it abundantly clear that prescribed authority may suspend any office bearer of the Panchayat, on whom the show-cause notice along with charge sheet under the

Adhiniyam has been served for removal from the service. Section 40 of the Adhiniyam deals with removal of office bearers of the Panchayat. Since notice under Annexure-A/2 clearly stipulates that notice under Sections 39 & 40 of the Adhiniyam has been issued to the appellant/petitioner for initiation of the proceedings for removal of the appellant from the office of the Sarpanch, there is no illegality in the issuance of the notice. The appellant without participating in the proceeding or by filing show-cause, as sought for in the said notice, had moved this Court. Learned Single Judge, taking into consideration the matter in its proper perspective, directed the Sub Divisional Officer (Revenue), Sub Division Janjgir/respondent No.3 to consider and decide the pending proceedings strictly in accordance with law, adhering to the statutory requirements procedural safeguards enshrined under Sections 39 and 40 of the Adhiniyam. The appellant was also directed to be afforded full opportunity of hearing, including the liberty to adduce oral and documentary evidence. Thus, there is no illegality in issuance of the notice. As such, the writ petition was premature and hence, it was disposed of without interfering with the issuance of show-cause notice under Annexure-A/2. He, therefore, prays for dismissal of the writ appeal being devoid of any merit.

6. Heard learned counsel for the parties and perused the material on record.
7. On perusal of the show-cause notice, it appears that as many as five charges have been framed against the appellant asking him to show-cause. The show-cause notice was issued under Sections 39 & 40 of the Adhiniyam. Section 39 (1)(b) of the Adhiniyam empowers the competent authority to suspend an office bearer on whom notice to

show-cause for removal from the post of Sarpanch has been issued, framing charges. On perusal of the Annexure-A/2, it is clear that respondent No.3 with an intention to initiate proceedings under Sections 39 & 40 of the Adhiniyam, issued notice to the appellant to show-cause. The appellant, without submitting his show-cause, moved this Court challenging the notice. It also reveals from the impugned order that the learned Single Judge has dealt with the contention raised by the appellant/petitioner in detail and disposed of the writ petition without interfering with the notice to show-cause. At the same time, the appellant was given liberty to participate in the proceedings by filing show-cause and to adduce oral and documentary evidence. Respondent No.3 has also been directed to adjudicate the matter in accordance with law after affording opportunity of hearing to the appellant.

8. Thus, we find no merit in the appeal. Accordingly, this writ appeal, being devoid of merit, stands dismissed.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice