

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2263 of 2015

- Janmejay S/o Shri Tampal Singh Aged About 54 Years R/o Village Jhabar Post Office Deepka Tahsil Katghora Revenue And Civil District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Gram Panchayat And Gramin Vikas Raipur
2. Collector, Korba, District Korba, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Katghora Tahsil Katghora District Korba Chhattisgarh
4. Baijanti Kanwar, Ex Sarpanch Gram Panchayat Jhabar R/o Village Jhabar Tahsil Katghora District Korba Chhattisgarh
5. Jaipal Singh Kanwar, Ex Secretary Gram Panchayat Jhabar R/o Village Vijai Nagar Tahsil Katghora District Korba Chhattisgarh
6. Darshan Singh, Secretary Gram Panchayat Jhabar Tahsil Katghora District Korba Chhattisgarh

---- Respondents

For Petitioner	Shri J. S. Bariak, Advocate
For Respondent/State	Shri S. Majid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

17/12/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is a resident and voter of Gram Panchayat, Jhabar, Post Office Deepka, Janpad Panchayat Katghora, District Korba. On his complaint, an enquiry was constituted against the Sarpanch and Secretary

of the Gram Panchayat, however, the enquiry has not yet been completed and according to the petitioner, the enquiry has been closed in an abrupt manner.

3. In view of the nature of dispute and the prayer made in the complaint filed by the petitioner and other villagers before the Collector, Korba, it appears, the petitioner is seeking removal of the Secretary and Sarpanch of the Gram Panchayat, therefore, it would be appropriate for the petitioner to submit a duly constituted application before the concerned authority under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam, 1993').
4. For the foregoing, the writ petition is disposed of with a direction that in the event, the petitioner moves an application under Section 40 of the Adhiniyam, 1993 before the competent authority, the said authority shall initiate proceedings and pass appropriate orders on the application after noticing all the parties concern. If necessary, the competent authority may also conduct an enquiry into the matter. Let the proceedings be completed within a period of 6 months from the date of moving the application by the petitioner.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA