

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2881 of 2016

1. Kumari Bai W/o Late Guman Singh Aged About 37 Years Caste-Gond, Panch Of Ward No. 10, Gram Panchayat- Kukdur, Tahsil-Pandariya, District- Kabirdham, Chhattisgarh, R/o Ward No. 10, Gram Panchayat- Kukdur, Tahsi;-Pandariya, District- Kabirdham, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh
2. Director, Panchayat, Indrawati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
3. Collector, Kabirdham, Chhattisgarh
4. Janpad Panchayat, Pandariya, Through Its Chief Executive Officer, Pandariya, District- Kabirdham, Chhattisgarh

---- Respondent

For Petitioner	Shri Malay Shrivastava, Advocate
For Respondent/State	Shri R.K. Mishra, Dy. Adv. General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/11/2016

1. Petitioner would assail the order dated 18-10-2016 and would further pray for a direction to the respondent to decide the appeal at the earliest.

2. Referring the order sheets of the appeal proceedings recorded by the Director (Panchayat) it is brought to the notice of this Court that the Director (Panchayat) heard the appellant on 4-10-2016 and posted the appeal for orders on 18-10-2016, however, instead of passing the order the matter was dismissed for want of prosecution.
3. Bare perusal of the order sheets would reveal that the Director (Panchayat) has committed serious error of procedure by dismissing the appeal for want of prosecution on a date which was fixed for orders and not for hearing of the appeal.
4. In view of the above, the order dated 18-10-2016 deserves to be and is hereby quashed at the admission stage itself. The matter is remitted back to the Director (Panchayat) for hearing the appeal on merits and for deciding the same at the earliest preferably within a period of three months from the date of appearance of the petitioner before the appellate authority.
5. The petitioner shall appear before the Director (Panchayat) on 5-12-2016.
6. As an upshot, the writ petition is allowed to the extent indicated *supra*.

Sd/-

Judge
Prashant Kumar Mishra

Gowri