

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2908 of 2016**

- Dhaniram S/o Ruha, Aged About 55 Years Caste Gond, Panch Of Ward No.03, Gram Panchayat- Kukdur, Tahsil Pandariya, District Kabirdham (Chhattisgarh) R/o Ward No.03, Gram Panchayat- Kukdur, Tahsil 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)

---- Respondents

For Petitioner	:	Shri Malay Shrivastava, Advocate
For Respondents-State	:	Shri AS Kachchwaha, Addl. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****24/11/2016**

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

Ashu