

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 556 of 2016

Smt. Meena Agrawal W/o Shri Shankar Lal Agrawal, Aged About 50 Years Presently Holding The Post Of Up- Sarpanch Of Gram Panchayat Chandrakhuri, District Mungeli (Chhattisgarh), R/o Baitalpur, Police Station Pathariya, Thasil Pathariya, District Mungeli (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Collector, Mungeli, District Mungeli (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Pathariya, District Mungeli, (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Pathariya, District Mungeli (Chhattisgarh)
5. Gram Panchayat Chandrakhuri, Through Its Secretary District Mungeli (Chhattisgarh)
6. Shri Atmaram Vani, Presently Holding The Post Of Sarpanch Of Gram Panchayat Chandrakhuri, District Mungeli (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Vinay Pandey, Advocate
For Respondent No.1 to 4	:	Shri Satish Gupta, Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/03/2016

Heard.

1. The grievance of the petitioner in this petition is that despite several

complaints made by the petitioner and other Panchas of the gram panchayat, the SDO (R) has not made any inquiry in the matter and he is sitting tight over the whole issue. It is submitted that present is a case where the SDO ought to have initiated proceedings under Section 40 of the Panchayat Raj Adhiniyam. It is further submitted that the petitioner made representation to various executive authorities including the Collector.

2. It is found that the petitioner has made certain complaints. However, no document has been placed before the Court to show that complaint was submitted before the SDO (R) of the area. Further, I find that the petitioner has made several representations to many authorities and copy of those representations have been forwarded to the SDO(R).
3. Without commenting on the merits of the case, it has to be observed that if the petitioner has submitted any complaint against respondent No.6, the Sub Divisional Officer (R) needs to examine the same in accordance with law. The complaint has to be either rejected or action is required to be taken.
4. The petition is therefore disposed off at this stage with a direction that the Sub Divisional Officer (R) shall examine the petitioner's complaint and thereafter proceed in accordance with law. It is made clear that there is no direction to initiate the proceedings of removal under Section 40 of the Panchayat Raj Adhiniyam as such but only to examine complaint whether there are material to initiate proceedings of removal.

Sd/-
(Manindra Mohan Shrivastava)
Judge