

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2301 of 2016

1. Savitri Bai Sidar D/o Ranjeet Singh Sidar Aged About 38 Years Elected Sarpanch Of Gram Panchayat-Puraina, Police Station & Tahsil- Kharsiya, District-Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. Amarnath Bhardwaj Member Of Janpad Panchayat, R/o Village-Charpara, Gram Panchayat Puraina, Police Station & Tahsil-Kharsiya, District-Raigarh, Chhattisgarh.
2. Hari Prasad Gabel, Up-Sarpanch R/o Gram Panchayat Puraina, Police Station & Tahsil-Kharsiya, District-Raigarh, Chhattisgarh.
3. Tijram Khandelwal, R/o Gram Panchayat Puraina, Police Station & Tahsil Kharsiya, District-Raigarh, Chhattisgarh.
4. Juckson Alias Lusuram Rathia S/o Jagbandhu Rathia R/o Village Bhalunara Tahsil-Kharsiya, District-Raigarh, Chhattisgarh.
5. Yogesh Chouhan Secretary, Gram Panchayat Puraina, Police Station & Tahsil-Kharsiya, District-Raigarh, Chhattisgarh.
6. Sub Divisional Officer (R)/Presiding Officer, Kharsiya, District-Raigarh, Chhattisgarh.
7. Chief Executive Officer, Janpad Panchayat Kharsiya, District-Raigarh, Chhattisgarh.
8. Enquiry Officer/senior Officer Account & Inspection & Taxation, Janpad Panchayat Kharsiya, District-Raigarh, Chhattisgarh.
9. Chief Executive Officer, Zila Panchayat Raigarh District-Raigarh, Chhattisgarh.

10. Enquiry Officer/social Education Co-Coordinator, Janpad Panchayat Kharsiya District-Raigarh, Chhattisgarh.

---- Respondent

For Petitioner	Shri F.S. Khare, Advocate
For Respondent/State	Shri P.K. Bhaduri, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/09/2016

1. Petitioner has assailed the legality and validity of the proceedings initiated by the Sub Divisional Officer (Revenue), Kharsiya, for petitioner's removal under the provisions Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam').
2. It is argued that the Sub Divisional Officer is proceeding further and has directed for an enquiry without giving any opportunity of hearing to the petitioner, therefore, there is violation of principles of natural justice.
3. After hearing learned counsel for the parties, the writ petition is disposed of with a direction to the Sub Divisional Officer (Revenue), Kharsiya to decide the proceedings under Section 40 of the Adhiniyam after providing proper opportunity of hearing to the petitioner by allowing him to submit reply and documents in support of his defence.

Sd/-

Judge
Prashant Kumar Mishra