

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2682 of 2016

- Jagat Ram Banarjee S/o Deshram Banarjee, Aged About 51 Years R/o Village Pachpedi, P.S. Sarsiva, Tahsil Bilaigarh, District Baloda Bazar- Bhatapara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Panchayat & Rural Welfare Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. District Collector, District Balodabazar- Bhatapara, (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Bilaigarh, District Balodabazar- Bhatapara, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Sudeep Verma, Advocate
For Respondent/State	Mr. UNS Deo, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/10/2016

1. Heard.
2. The petitioner is challenging the proceedings under Section 92 of the Panchayat Raj Adhiniyam, 1993 (in short “the Adhiniyam, 1993”) initiated against him by issuing show cause notice vide Annexure P/1. The petitioner has already submitted his reply to the show cause notice vide Annexure P/2.
3. It is argued that a demand notice has already been issued,

therefore, the authority has predetermined the issue and the show cause notice is only a formality. It is also argued that no document has been served on the petitioner along with the show cause notice, therefore, he is unable to defend himself.

4. The petitioner has not stated in his reply Annexure P/2 that for want of documents, he is unable to defend himself, instead he has mentioned in the reply that the entire record is in possession of the Gram Panchayat.
5. If the petitioner so desires, he may move before the SDO(R) seeking copy of the report and other documents, which has form the basis of initiating action against him.
6. There is no substance in the writ petition, which is preferred only against the show cause notice.
7. The writ petition is dismissed, subject, however to the observations made in the preceding paragraphs.

Sd/-

Judge

(Prashant Kumar Mishra)

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