

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 2765 of 2017**

Smt. Basanti Gond W/o Ranjit Singh, Sarpanch Gram Panchayat, Aara, R/o Vill- Aara, Tahsil Rajpur Dist. Balrampur Ramanujganj Chhattisgarh.

**---- Petitioner**

**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Panchayat and Rural Development, Ministry at Mahanadi Bhawan, New Raipur P. S. Rakhi. District Raipur Chhattisgarh.
2. Collector, Balrampur, District Balrampur Ramanujganj Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Balrampur, District Balrampur Ramanujganj Chhattisgarh.
4. Sub Divisional Officer, Rajpur, Balrampur, District Balrampur Ramanujganj Chhattisgarh.
5. Chief Executive Officer, Janpad Panchayat Rajpur, Balrampur, District Balrampur Ramanujganj Chhattisgarh.
6. Iqbal, S/o Mohd. Israiel, R/o Village- Aara, Tahsil Rajpur Dist. Balrampur Ramanujganj Chhattisgarh
7. Azimmuddin (Panch), S/o Imamuddin R/o Vill- Aara, Tahsil Rajpur Dist. Balrampur Ramanujganj Chhattisgarh

**---- Respondents**

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| For Petitioner        | : Mr. Rakesh Jha, Advocate.                      |
| For Respondents/State | : Mr. Gary Mukhopadhyay, Dy. G.A. for the State. |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**11/10/17**

Learned counsel for the petitioner would submit that the impugned order dated 27.09.2017 passed by the Sub Divisional Officer (Revenue), Rajpur suspending the petitioner from the post of Sarpanch, Gram Panchayat- Aara, Tahsil Rajpur is unsustainable and bad in law.

2. On the other hand, learned State counsel would support the impugned

order and submits that the impugned order suspending the petitioner from the post of Sarpanch is appealable before the Collector of the concerned District.

3. I have heard learned counsel for the parties.

4. The Sub Divisional Officer has clearly recorded a finding that against the petitioner and two other persons charges under Section 409/34 and 3/7 of the Essential Commodities Act, 1955 have already been framed and, therefore, the petitioner has been suspended under Section 39(1)(a) of the Chhattisgarh Panchayati Raj Adhiniyam, 1993. The petitioner has a remedy to file an appeal before the Appellate Authority under The Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 and in view of availability of efficacious alternative remedy to the petitioner, I do not find it a fit case to entertain the writ petition.

5. Accordingly, the writ petition is hereby disposed of with liberty to the petitioner to file an appeal before the Appellate Authority in accordance with the Rules of 1995.

SD/-

**(Sanjay K. Agrawal)**

Judge