

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.6413 of 2009

Mahendra Pratap Garewal, son of Shri Shukl Prasad Gharewal, aged about 40 years, R/o village Lingiyadih, Tahsil and District Bilaspur.

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Panchayat, DKS Bhawan, Mantralaya, Raipur.
2. Collector, Bilaspur.
3. Sub Divisional Officer (R) Bilaspur.
4. Shri Santosh Dewangan, Sub Divisional Officer (R), Bilaspur.
5. Gram Panchayat, Lingiyadih, Tahsil and District Bilaspur.
6. Union of India, through the Secretary, Department of Home, New Delhi.

--- Respondents

For Petitioner : Mr.Manoj Paranjpe, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

15/11/2017

(1) Learned counsel appearing for the petitioner would submit that the instant writ petition has been filed by the petitioner against the orders dated 14.10.2009 & 15.10.2009 passed by respondent No.3-Sub Divisional Officer (Revenue), Bilaspur whereby the petitioner has removed from the post of Sarpanch, Gram Panchayat, Lingiyadih under Section 40(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 and the said authority has further directed to recover amount and lodging of FIR against him. He would further submit that during the pendency of the writ petition, the period of disqualification has come to an end.

However, so far as recovery of the amount and lodging of FIR deserve to be quashed.

(2) I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

(3) Be that as it may, the petitioner is at liberty to make representation along with complete documents before the Collector, Bilaspur for redressal of his grievance with regard to recovery of amount and lodging of FIR. If such representation is filed by the petitioner before the Collector, in that event the said authority shall consider and decide the same and also consider as to whether amount is recoverable; whether any action is required to be taken against the petitioner in accordance with law, expeditiously within a period of three months after hearing the affected parties from the date of receipt of representation.

(4) For a period of three months, interim order granted on 06.11.2009 shall remain in force.

(5) With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-