

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.3349 of 2003**

Shantibai Gada, aged about 31 years, Wife of Bhukhauram Gada,
Village Kotwar, Village Puleni, Tehsil-Kasdol, District Raipur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through Secretary, Board of Revenue, D.K.S. Bhawan, Mantralaya, Raipur (CG)
2. The Collector, Raipur (CG)
3. Tahsildar, Tahsil Kasdol, District Raipur, Raipur (CG)
4. Gram Panchayat, Phuleni (Puleni), Through its Sarpanch, Tah. Kasdol, Raipur (CG)
5. Ramesh Sahish S/o Dukharan, Kotwar village Puleni, Tehsil Kasdol, District Raipur (Now District Baloda Bazaar)

---- Respondents

For Petitioner	:	Mr.Punit Ruparel, Advocate
For Res.No.1 to 3	:	Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/09/2017

1. The petitioner was appointed as village kotwar by the competent authority under Section 230 of the Chhattisgarh Land Revenue Code, 1959 (hereinafter referred to as 'Code'). He has been removed finding guilty by Tahsildar, Kasdol by order dated 1.12.2001 as charge Nos.2, 3, 4, 6, 7 and 8 have been found proved. That order has been affirmed by the Sub Divisional Officer, Bilaigarh by order dated 31.1.2002 in appeal and the Board of Revenue has also affirmed the order passed by the Sub Divisional Officer, Bilaigarh by the impugned order.
2. Learned counsel appearing for the petitioner would submit that the petitioner was not afforded proper opportunity of hearing and as such, the orders passed by the authorities deserve to be set aside. He would rely upon the judgment of the Supreme Court in the matter

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of Indrani Bai Vs. Union of India¹.

3. On the other hand, learned State Counsel would support the impugned orders.
4. I have heard learned counsel for the petitioners, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
5. Tahsildar, Kasdol in its detailed order has recorded a finding that charge Nos.2, 3, 4, 6, 7 and 8 have been found proved, which has been upheld by the Sub Divisional Officer, Bilaigarh and the Board of Revenue. There is concurrent finding of three authorities that charges have been found proved.
6. So far as an opportunity of hearing is concerned, it has clearly been recorded by the Tahsildar, Kasdol that opportunity of hearing was afforded to the petitioner and charges against the petitioner are serious in nature. Concurrent finding recorded by three authorities is the finding of fact based on evidence available on record. I do not find any jurisdictional error in the impugned orders.
7. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-

¹ (1994) Supp2 SCC 256