NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2193 of 2017

- Vrinda Lal Dhiwar S/o Late Ganesh Ram, Aged About 50 Years Sarpanch Of Gram Panchayat Malkharoda, Tehsil Malkharoda, District Janjgir-Champa, Chhattisgarh, R/o Village Malkharoda, P.S. & Teshil Malkharoda, District Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat & Rural Administrative Department/ Law And Legislative Department, Mahanadi Bhawan, Naya Raipur, Revenue And Civil District Raipur, Chhattisgarh
2. Collector, Janjgir-Champa, Revenue & Civil District Janjgir-Champa, Chhattisgarh
3. Sub Divisional Officer (Revenue) Cum-Prescribed Authority Sakti, Revenue & Civil District Janjgir-Champa, Chhattisgarh
4. Sitaram S/o Bandhu, Caste Chandranahu, R/o Village Malkharoda, Tehsil Malkharoda, Revenue & Civil District Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sudeep Agrawal, Advocate.
For Respondents No. 1 to 3	:	Shri R.K.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay Agrawal

Order On Board

23/08/2017

1. Heard on admission.

2. By way of this petition, the petitioner is though questioning the entire proceeding drawn in case no. 143/B-121/2016-2017 (Annexure P/1) by the Office of Sub-Divisional Officer (Revenue), Sakti, but, in fact under the garb of it, the petitioner is challenging the legality, validity and propriety of the show-cause notice dated 29.07.2017 issued by the Sub-Divisional Officer (Revenue), Sakti, District

Janjgir-Champa, under Section 40 of the Chhattisgarh Panchayati Raj Adhiniyam, 1993 (hereinafter referred to as the 'Act of 1993').

3. Shri Sudeep Agrawal, counsel appearing for the petitioner submits that impugned show-cause notice has been issued only because of complaint being lodged by the petitioner in the capacity of Sarpanch against respondent No.4 on 24.06.2017. While registering the said case as Revenue Case No. 143/B-121/2016-2017, a notice was issued to respondent No.4 Sitaram under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code of 1959) and the said matter is still under consideration before the said authority. He, therefore, submits that the show-cause notice dated 29.07.2017 deserves to be quashed.

4. I have heard learned counsel for the parties and examined the relevant papers annexed with the petition.

5. The impugned show-cause dated 29.07.2017 was issued by the S.D.O. (Revenue) while exercising the power under Section 40 of the Act of 1993. The said show-cause notice was issued to the petitioner on account of violation of the provisions of Section 237 (4) of the Code of 1959. Although the notice (Annexure P/1) was issued while mentioning the said Revenue Case as Revenue Case No. 143/B-121/2016-2017, but, a bare perusal of the said notice would, however, show that it was issued to the Sarpanch of Gram Panchayat Malkharoda and not to the petitioner in his individual capacity in relation to the proceeding initiated under Section 248 of the Code of 1959. Even otherwise, the alleged show-cause notice dated 29.07.2017 would show that it was issued under Section 40 of the Act of 1993 on the ground that certain violation was committed by the present petitioner under Section 237 (4) of the Code of 1959. Both the proceedings are of different nature, therefore, under such circumstances, no interference is required to be made at this stage for issuance of alleged show-cause notice under Section 40 of the Act of 1993 and particularly when the petitioner has already been participating

in the said proceedings.

6. Accordingly, the petition, being devoid of merit, is hereby dismissed at the admission stage itself. No order as to costs.

Sd/-

(**Sanjay Agrawal**)
Judge

Anjani