

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2632 of 2017**

Deepmala Yadav, W/o Shri Manoj Yadav, aged about 28 years, R/o Village Nadel, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Panchayat, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. Sub Divisional Officer, Revenue prescribed authority under Panchayat Raj Adhiniyam, Pamgarh, District Janjgir-Champa (C.G.)
3. Chief Executive Officer, Janpad Panchayat, Pamgarh, District Janjgir-Champa (C.G.)

---- Respondents

For Petitioner	:	Shri H.V. Sharma, Advocate.
For Respondent/State	:	Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/10/2017**

(1) Learned counsel for the petitioner would submit that recovery proceedings under Section 92 of the C.G Panchayati Raj Adhiniyam, 1993 (for short "Adhiniyam, 1993") has been initiated against the petitioner and during pendency of the same, warrant of arrest has also been issued against the petitioner and, therefore, the order for warrant of arrest be set aside.

(2) On the other hand, counsel for the State opposes the writ petition.

(3) I have heard learned counsel appearing for the parties and perused the impugned show cause notice with utmost circumspection.

(3) Proceedings under Section 92 of the Adhiniyam, 1993 has been issued against the petitioner and the petitioner may file reply to the show cause notice within 30 days.

(4) Since the proceedings under Section 92 of the Adhiniyam, 1993 is already going on against the petitioner, it was not proper on the part of the Sub Divisional Officer (Revenue) to issue warrant of arrest against the petitioner. Therefore, warrant of arrest issued against the petitioner is set aside. The Sub Divisional Officer, Pamgarh is directed to conclude the proceedings initiated against the petitioner within a period of six months from the date of receipt of certified copy of this order.

(5) Accordingly, the writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-