

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1569 of 2017

1. Aditya Minj, S/o Jakarious Minj, aged about 35 years, caste Uraon, R/o Village Basen, Sarapanch of Gram Panchayat Basen, Tahsil Bagicha, District Jashpur (C.G.)
2. Smt. Monika Minj, W/o Shri Karamchand Suryawanshi, aged about 25 years, caste Uraon, R/o Village Vimda, Panchayat Secretary of Gram Panchayat Basen, Tahsil Bagicha, District Jashpur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, through Secretary, Panchayat Department, Mahanadi Bhawan, Mantralay, New Raipur, Distt. Raipur (C.G.)
2. The Collector, Jashpur, Distt. Jashpur (C.G.)
3. Sub Divisional Officer/Prescribed Officer (Panchayat) Bagicha, District Jashpur (C.G.)
4. Oskar Minj, S/o Late Joseph Minj, aged about 50 years, R/o Village Basen, Tahsil Bagicha, District Jashpur (C.G.)

---- Respondents

For Petitioners: Mr. Awadh Tripathi, Advocate.

For State/Respondents No.1 to 3: -

Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board04/07/2017

1. The only grievance raised in this writ petition is that the learned Collector while allowing the appeal preferred by respondent No.4 directed for lodging of FIR against the petitioners which is clearly unsustainable and bad in law.
2. Learned counsel for the petitioners submits that the

petitioners are not aggrieved with the order setting aside the order passed by the trial Court dated 14-9-2016 and also not aggrieved with the other directions issued, but certainly, the learned Collector has no jurisdiction as an appellate authority to direct for lodging of FIR against the petitioners without giving opportunity of hearing to them and without even hearing them.

3. On the other hand, learned State counsel opposed the submission.
4. It is correct to say that the appellate authority has exercised the power under the Chhattisgarh Panchayat Raj Adhiniyam, 1993 and set aside the order passed by the Sub Divisional Officer dated 14-9-2016 and has remanded the matter to the Chief Executive Officer, Jila Panchayat, Jashpur. The Collector has no authority and jurisdiction while hearing the appeal and particularly when directing the competent authority, to take disciplinary action against the petitioners. Since disciplinary action has already been directed against the petitioners and the petitioners have no grievance against the same and are ready to face it, and the matter has been remanded, the order passed by the Collector to the extent of lodging FIR against the petitioners is unsustainable. Accordingly, the order impugned only to the extent of directing lodging of FIR against the petitioners is hereby set aside. However, the petitioners are at liberty to seek

redressal of other grievances, if any, in accordance with law,
before the Chief Executive Officer, Jila Panchayat, Jashpur.

5. The writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma