

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 157 of 2017**

1. Gendram Sahu S/o Shri Narad Ram Sahu, Aged About 42 Years, Suspended Sarpanch Of Gram Panchayat Kumhari, R/o Village Kumhari, Thasil Arang, Thana Arang, District Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Samaj Seva, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Commissioner, Raipur Division, District Raipur, (Chhattisgarh)
3. Collector Raipur, District Raipur, (Chhattisgarh)
4. Sub Divisional Officer (Revenue) Arang, District Raipur, (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat Arang, District Raipur, (Chhattisgarh)
6. Tikaram Sahu, S/o Shri Dayal Sahu, R/o Village Kumhari, Thasil Arang, Thana Arang, District Raipur, (Chhattisgarh)
7. Gram Panchayat Kumhari, Through Its Secretary, Thasil Arang, Thana Arang, District Raipur, (Chhattisgarh)

---- Respondent

For Petitioner	Shri Vinay Pandey, Advocate
For Respondent/State	Shri A.S. Kachhawaha, Addl. Adv. Gen.
For Respondent No.6	Shri J.K. Gupta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/01/2017

1. This writ petition is directed against the revisional order passed by the Commissioner, Raipur Division, Raipur, affirming the order passed by the Collector, Raipur, on 13-6-2016 and that of Sub Divisional Officer (Revenue), Arang, on 15-3-2016 whereby the petitioner was suspended from the office of Sarpanch of Gram Panchayat Kumhari, on account of pendency of proceedings under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam, 1993').
2. Admittedly, on supply of charge sheet in the proceedings under Section 40, the petitioner was placed under suspension, as required under Section 39 (1) (b) of the Adhiniyam, 1993 and the said order of suspension was subsequently approved/ratified by the concerned Collector.
3. Petitioner would submit that when the matter was pending before the Additional Collector it was observed by him that the order of suspension has not been approved by the prescribed authority/State Government, therefore, the same has become

redundant or ineffective and, as such, the Commissioner should have interfered in the matter.

4. In the order passed by the Commissioner it is mentioned that the Collector, Raipur, has approved the order of suspension on 13-6-2016 i.e. within a period of 90 days from the date of suspension i.e. 15-3-2016, therefore, without commenting upon the observation made by the Additional Collector, Raipur, on 22-6-2016, the writ petition is disposed of with a direction to the concerned Sub Divisional Officer (Revenue), Arang, to conclude the proceedings under Section 40 of the Adhiniyam, 1993 at the earliest preferably within a period of four months from the date of submission of certified copy of this order.

5. There shall be no order as to cost(s). Sd/-

Judge
Prashant Kumar Mishra

Gowri