

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1822 of 2017**

Girdhari Patel S/o Harishankar Patel, Aged About 24 Years Up-Sarpanch Of Gram Panchayat Kotmi, Tehsil Dabhra, District Janjgir-Champa, Chhattisgarh. R/o Village Kotmi, Tahsil And Police Station Dabhra, District Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Administrative Department, Mahanadi Bhawan, Naya Raipur, Revenue And Civil District Raipur, Chhattisgarh.
2. Commissioner, Bilaspur Division Revenue And Civil District Bilaspur, Chhattisgarh.
3. Collector, Janjgir-Champa, Revenue And Civil District Janjgir-Champa, Chhattisgarh.
4. Sub-Divisional Officer (Revenue) Dabhra, Revenue And Civil District Janjgir-Champa, Chhattisgarh.
5. Awadhram Sidar, S/o Milan Prasad, Sarpanch Of Gram Panchayat Kotmi, Janpad Panchayat, Dabhra, Tehsil Dabhra, District Janjgir-Champa, Chhattisgarh.
6. Janpad Panchayat Dabhra, Through Chief Executive Officer, District Janjgir-Champa, Chhattisgarh.

--- Respondents

For Petitioner : Mr. Sufaraj Khan, Advocate
 For State : Mr. Mazid Ali, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

03/08/2017

(1) The order of removal was passed by respondent No.4 against respondent No.5-Awadhram Sidar from the post of Sarpanch, Gram Panchayat Kotmi by its order dated 30.05.2016. The order of respondent No.4 affirmed by Collector, Janjgir-Champa. Thereafter, the Additional Commissioner, Bilaspur by its impugned order dated

07.06.2017 has set-aside the order of the Sub-Divisional Officer (Revenue), Dabhra and Collector, Janjgir-Champa on the ground that principle of natural justice has not been followed and no opportunity of hearing has been given to respondent No.5 while removing from the post of Sarpanch, Gram Panchayat, Kotmi.

(2) Learned counsel for the petitioner would submit that impugned order is unsustainable and bad-in-law.

(3) The Additional Commissioner, Bilaspur has clearly recorded a finding that respondent No.5 was removed from the post of Sarpanch, Gram Panchayat, Kotmi without affording reasonable opportunity of hearing. The said finding is strictly in accordance with law in which I do not find any jurisdictional error in the impugned order which would warrant exercise of jurisdiction under Article 226 of the Constitution of India.

(4) Consequently, the writ petition deserves to be and is accordingly dismissed. No order as to costs

Sd/-

(Sanjay K. Agrawal)
Judge

L/-