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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.2413 of 2017**

1. Mantori Bai, D/o Shri Dhajau Sahu, aged about 65 years, R/o Village Pawani, Thana and Tahsil Bilaigarh, Civil & Revenue District Baloda Bazar-Bhatapara (CG).
2. Smt. Java Bai, W/o Shri Ramkripal Kahar, aged about 55 years, R/o Village Pawani, Thana & Tahsil Bilaigarh, Civil & Revenue District Balodabazar-Bhatapara (CG).
3. Dataram Sahu, S/o Shri Chandanlal Sahu, aged about 56 years, R/o Village Pawani, Thana & Tahsil Bilaigarh, Civil & Revenue District Balodabazar-Bhatapara (CG).

---- Petitioners**Versus**

1. State of Chhattisgarh, through Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex Naya Raipur, District Raipur (CG).
2. Collector, Balodabazar, District Balodabazar-Bhatapara (CG).
3. Sub Divisional Officer (Revenue), Bilaigarh, District Balodabazar-Bhatapara (CG).
4. Smt. Peen Bai Sahu, W/o Shri Ramcharan Sahu, aged about 38 years, Sarpanch Gram Panchayat Pawani, R/o Village Pawani, Thana and Tahsil Bilaigarh, Civil & Revenue District Balodabazar-Bhatapara (CG).

--- Respondents

For Petitioner : Mr. Sunil Sahu, Advocate
 For State : Mr. Shashank Thakur, Govt. Advocate

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

04/09/2017

(1) Learned counsel appearing for the petitioner would submit that the Collector, Balodabazar has stayed the proceeding under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam till the final decision of WP(C) No.1239/2017 is pending before this Court, which is totally

unsustainable and bad-in-law.

(2) I have heard learned counsel for the petitioner .

(3) In earlier writ petition, the petitioner has challenged the order dated 09.03.2017 passed by the Additional Commissioner, Raipur and therefore, there is no ground to stay the proceeding of Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam on the account of pendency of WP(C) No.1239/2017. Therefore, the Collector, Balodabazar is directed to proceeding with the matter, expeditiously. The others side are at liberty to represent their case and produce the material in support of their case. However, the respondents are at liberty to file an application for modification of the order, if they are aggrieved.

(4) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-