

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.2547 of 2017

Smt. Sunita Sarthi W/o Vinod Sarthi, Aged About 25 Years Sarpanch,
Gram Panchayat Masturi, Janpad Panchayat Masturi, District Bilaspur,
R/o Village & Post Office Masturi, Tahsil Masturi, District Bilaspur,
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office & Police Station Rakhi, District Raipur, Chhattisgarh.
2. The Director, Department Of Panchayat & Rural Development, State Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office & Police Station Rakhi, District Raipur, Chhattisgarh.
3. Collector, Bilaspur, District Bilaspur, Chhattisgarh.
4. Sub Divisional Officer (Revenue) Masturi, District Bilaspur, Chhattisgarh.
5. Chief Executive Officer, Janpad Panchayat Masturi, District Bilaspur, Chhattisgarh.
6. Tahsildar, Masturi, Tahsil Masturi, District Bilaspur, Chhattisgarh.
7. Naib Tehsildar, Masturi, Tahsil Masturi, District Bilaspur, Chhattisgarh.
8. Ishwar Suryavanshi, S/o Late Nankaiya Suryavanshi, R/o Jairamnagar Road, Gopiyapar, Post Office & Tahsil Masturi, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner : Mr.Mateen Siddiqui, Advocate.

For State/Respondents: Mr. Prasun Bhaduri, Govt. Advocate and
Mr. Ali Asgar, Advocate

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

14/09/2017

(1) This writ petition has been preferred by the petitioner against the order dated 31.08.2017 passed by respondent No.4- Sub Divisional Officer (Revenue), Masturi whereby the service of the petitioner has been suspended from the post of Sarpanch, Gram Panchayat Masturi, Janpad Panchayat, Masturi, District Bilaspur under Section 39(1)(b) of the Panchayat Raj Adhiniyam, 1993 on the basis of show-cause notice dated 21.07.2017 and charge sheet.

(2) Learned counsel appearing for the petitioner would submit that the impugned order is unsustainable and bad-in-law as initiation of the proceeding against the petitioner is misuse of the process and as such, it deserves to be quashed.

(3) Learned counsel appearing for the State would submit that the impugned order is appealable before the Collector under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995.

(4) I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

(5) Admittedly, the impugned order is appealable before the Collector under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 and all the jurisdictional issue can be raised before the Collector.

(6) In view of the aforesaid discussion, I am not inclined to entertain the instant writ petition. Accordingly, the writ petition deserves to be and is hereby dismissed with a liberty to the petitioner to file an appeal before the appellate authority i.e. Collector.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-