

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1980 of 2016**

Smt. Urmila Bai Salam W/o Shri Chandra Bhawan Salam, , Aged About 42 Years Sarpanch, Gram Panchayat Nanpulali, R/o Village Navapara, Post Saila (Uchlapara), Vikas Khand, P.S. & Tahsil Pali, District Pali, District Korba Civil & Revenue District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Panchayat & Rural Development, Mahanadi Bhawan, Mantralay, Naya Raipur, District Raipur Chhattisgarh
2. Collector, District Korba Chhattisgarh
3. Sub Divisional Officer (R) Katghora, District Korba Chhattisgarh
4. Sub Divisional Officer, Rural Engineering Services, Sub Division Pali, District Korba Chhattisgarh
5. The Chief Executive Officer, Janpad Panchayat Pali, District Korba Chhattisgarh

--- Respondents

For Petitioner : Mr. Shailendra Dubey, Advocate
 For State/Respondents : Mr. Dhiraj Wankhede, Govt. Advocate and
 Mr. Avadhut Vinayak Joshi, Advocate

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

22/08/2017

(1) Learned counsel appearing for the State would submit that during the pendency of the instant writ petition, the Sub-Divisional Officer has passed final order on 28.09.2016. That order is appealable under Rule 3(a) of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995.

(2) Learned counsel appearing for the petitioner would submit that the Sub-Divisional Officer has committed jurisdictional error in passing

the order dated 28.09.2016.

(3) Since the order passed by the Sub-Divisional Officer is appealable under Rule 3(a) of the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995. Accordingly, the writ petition is disposed of with a liberty to the petitioner to file an appeal under Rule 3(a) of Rule of 1995 before the Sub-Divisional Officer. If such an appeal is filed by the petitioner before the Sub-Divisional Officer, the Sub-Divisional Officer shall consider and decide the same expeditiously preferably within a period of three months from the date of receipt/production of copy of this order.

(4) Since the interim relief granted earlier on 18.11.2016 is operating in favour of the petitioner, therefore, it is directed to the respondent authorities for a period of three months the subject recovery against the petitioner shall remain stayed.

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

Sd/-

(Sanjay K. Agrawal)
Judge

L/-