

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 143 of 2018**

Smt. Sunita Sarthi (Sarpanch), W/o Vinod Sarthi, aged about 25 years, R/o Occupation- Sarpanch Gram Panchayat Masturi, Janpad Panchayat Masturi, District Bilaspur (C.G.), R/o Viullage and Post Masturi, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Panchayat and Ruler Department, Mahanadi Bhawan Mantralaya, New Raipur, District Raipur (C.G.)
2. Collector, Bilaspur, District Bilaspur (C.G.)
3. Sub Divisional Officer (Revenue) Masturi, District Bilaspur (C.G.)
4. Chief Executive Officer Zila Panchayat Bilaspur (C.G.)
5. Ishwar Suryawanshi, S/o Late Nankiya Suryawanshi, R/o Jairam Nagar Road Gopiyapar, Post and Tahsil Masturi, District Bilaspur (C.G.)

---- Respondents

Writ Petition (C) No. 548 of 2018

Smt. Sunita Sarthi (Sarpanch), W/o Vinod Sarthi, aged about 25 years, R/o Occupation- Sarpanch Gram Panchayat Masturi, Janpad Panchayat Masturi, District Bilaspur (C.G.), R/o Viullage and Post Masturi, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Panchayat and Ruler Department, Mahanadi Bhawan Mantralaya, New Raipur, District Raipur (C.G.)
2. Additional Collector, Bilaspur, District Bilaspur (C.G.)
3. Sub Divisional Officer (Revenue) Masturi, District Bilaspur (C.G.)
4. Chief Executive Officer Zila Panchayat Bilaspur (C.G.)
5. Ishwar Suryawanshi, S/o Late Nankiya Suryawanshi, R/o Jairam Nagar Road Gopiyapar, Post and Tahsil Masturi, District Bilaspur (C.G.)

---- Respondents

For Petitioner : Shri Amit Kumar, Advocate.
For State : Shri Ratan Pusty, Govt. Advocate.
For Respondent No. 5 : Shri Ali Asgar, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/05/2018

- (1) Since common question of law and fact is involved in both the writ petitions, they are heard together and being disposed of by this common order.
- (2) The petitioner was suspended from the post of Sarpanch by order dated 31.08.2017. On appeal being preferred thereagainst, the Collector, vide order dated 20.11.2017, affirmed the said order of suspension. Challenging the order of suspension and rejection of appeal, instant writ petitions have been filed.
- (3) Learned counsel for the petitioner would submit that the order of suspension, and the order passed by Collector affirming the suspension are bad and unsustainable in law.
- (4) On the other hand, counsel for the respondents supports the impugned order.
- (5) After hearing learned counsel appearing for the parties and going through the order of suspension as well as order passed by the Collector, I do not find any jurisdictional error warranting interference by this Court in the instant writ petitions. Accordingly, the writ petitions are dismissed.
- (6) At this stage, learned counsel appearing for the petitioner would submit that the Committee has illegally been constituted on 24.06.2017 by the Sub Divisional Officer.
- (7) Be that as it may, the petitioner is at liberty to make representation challenging the constitution of committee before the Sub Divisional Officer, who shall consider and take a decision on the representation filed by the petitioner before proceeding further with the matter.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-