

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.618 of 2018

Shivshanker Sahu @ Shivshanker Sonbair S/o Narad Ram Sahu,
 aged about 33 years, R/o village Sankra, Gandhi Chowk, Tahsil
 Nagri, Thana Sihawa, Dist-Dhamtari

---- Petitioner

Versus

1. Smt. Satti Markam W/o. Shri Amresh Markam, aged about 43 years, R/o Village & Post Sankra, Tahsil Nagri, District Dhamtari (CG)
2. State of Chhattisgarh, through Collector, Dhamtari, District Dhamtari (CG)

---- Respondents

For Petitioner	:	Mr.Surendra Dewangan, Advocate
For Respondent No.2	:	Mr.Anand Dadariya, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/03/2018

1. Order of the Sub Divisional Officer, Nagri removing respondent No.1-Sarpanch from the post of Sarpanch was interfered with by the Collector, Dhamtari and remanded the matter to the Sub Divisional Officer (Revenue) on the ground that Section 40(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 has not been complied with, against which, this writ petition has been filed by the petitioner herein.
2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law.
3. On the other hand, learned State Counsel for respondent No.2 would support the impugned order.
4. I have heard learned counsel for the parties, perused the

impugned order and other documents appended with the writ petition.

5. A careful perusal of the impugned order would show that the Collector, Dhamtari has clearly recorded a finding that respondent-Sarpanch was not allowed sufficient opportunity of hearing to lead evidence and document was not allowed to be exhibited and without making any enquiry he was removed from the post of Sarpanch. The said finding recorded by the Collector is based on material available on record. I do not find any merit in this writ petition.
6. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. However, it is open to the petitioner to raise all the grounds, which are raised in this writ petition, before the Sub Divisional Officer, Nagri. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-