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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 836 of 2018**

Purnima Lahri W/o Jageshwar Lahri, Aged About 32 Years R/o Village Panchayat Ravan, Tahsil Simga, District Balouda Bazar Bhatapara Chhattisgarh., District : Balodabazar - Bhathapara, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Additional Commissioner, Raipur, Division Raipur, District Raipur Chhattisgarh.
3. Collector Balouda Bazaar, District Balouda Bazaar, Bhatapara Chhattisgarh.
4. Sub Divisional Officer (Revenue), Simga, Tahsil Simga, District Balouda Bazaar, Bhatapara Chhattisgarh.
5. Bhagirathi Yadav, S/o Bisahu Ram Yadav, Aged About 35 Years R/o Village Ravan, Patwari Halka No. 39, Tahsil Simga, District Balouda Bazaar Bhatapara Chhattisgarh.
6. Krishna Kumar, S/o Pilesh Kumar Verma, Aged About 30 Years R/o Village Ravan, Patwari Halka No. 39, Tahsil Simga, District Balouda Bazaar Bhatapara Chhattisgarh.
7. Aini Verma, W/o Dhanesh Verma, Aged About 30 Years R/o Village Ravan, Patwari Halka No. 39, Tahsil Simga, District Balouda Bazaar Bhatapara Chhattisgarh.
8. Bedan Bai, W/o Mehattar Lal Bhardwaj, Aged About 38 Years R/o Village Ravan, Patwari Halka No. 39, Tahsil Simga, District Balouda Bazaar Bhatapara Chhattisgarh.
9. Parvati Verma, W/o Puran Verma, Aged About 33 Years R/o Village Ravan, Patwari Halka No. 39, Tahsil Simga, District Balouda Bazaar Bhatapara Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Atanu Ghosh, Advocate.
For State	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/03/18**

1. The petitioner has been issued with notice under Section 40 of the Panchayat Raj Adhiniyam, 1993 (for brevity 'Act of 1993') against which he has preferred a revision before the Collector which has been dismissed and also the Upper Commissioner, Raipur affirming the order of Collector, dismissed the appeal by order dated 19.01.2018 (Annexure – P/1), being aggrieved against which this writ petition has been preferred by the petitioner.
2. Learned counsel appearing for the petitioner would submit that the impugned order is unsustainable and bad in law as the same has been passed without affording any opportunity of hearing to the petitioner and is liable to be set aside.
3. On the other hand, learned State counsel would support the order impugned.
4. I have heard learned counsel for the parties and perused the impugned orders with utmost circumspection.
5. On careful perusal, I am of the considered opinion that only show cause notice has been issued to the petitioner and all the pleas are open to the petitioner and as such, the proceeding initiated under Section 40 Act of 1993 cannot be said to be without jurisdiction warranting interference of this Court at this stage. The learned Commissioner and Collector have rightly rejected the appeal and revision preferred by the petitioner.
6. However, the petitioner would be at liberty to raise all the grounds before the Sub-Divisional Officer, Baloda Bazar and needless to say that the SDO will enquire the matter strictly in accordance with the proviso to sub-section (1) of Section 40 of the Act of 1993.
7. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge