

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1089 of 2018

- Vipin Dev Sharma S/o Late Kunjlal Sharma Aged About 52 Years
R/o Surya Paper Mill Chowk, Pahadi Para, Village Dhaneli,
Dharsiva, District Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department of
Panchayat, Mahanadi Bhawan, Naya Raipur, District Raipur,
Chhattisgarh
2. Collector, Raipur, District Raipur, Chhattisgarh
3. Sub Divisional Officer, Raipur, District Raipur, Chhattisgarh
4. Khelu Ram Nishad S/o Dhanau Nishad Aged About 56 Years
Sarpanch Gram Panchayat Dhaneli R/o Piper Chaura, Village -
Dhaneli, Post - Giraud, District Raipur Chhattisgarh
5. Mahesh Nishad S/o Shri Bisnath Nishad Aged About 53 Years
Up-Sarpanch R/o Gandhi Chowk, Village - Dhaneli, Post -
Giraud, District Raipur Chhattisgarh
6. Tek Ram Verma S/o Shri Shobhay Verma Aged About 43 Years
Panch, R/o Piper Chaura, Village - Dhaneli, Post - Giraud, District
Raipur Chhattisgarh
7. Dhani Ram S/o Shri Shobhay Verma Aged About 46 Years
Panch, R/o Pahadi Para, Village - Dhaneli, Post - Giraud, District
Raipur Chhattisgarh
8. Kamli Bai Nishad W/o Shri Khelu Ram Nishad Aged About 50
Years Sarpanch, R/o Piper Chaura, Village Dhaneli (Sakra), Post
Giraud, District Raipur Chhattisgarh

---- Respondents

For Petitioner	Ms. Astha Shukla, Advocate
----------------	----------------------------

For Respondent-State	Shri Shashank Thakur, GA
----------------------	--------------------------

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

20/08/2018

1. On due consideration, IA No.1, application for impleadment of new respondent Nos.4 to 8, is allowed.
2. Let necessary correction be made during the course of the day.
3. Learned counsel for the petitioner is heard on admission.
4. The grievance raised in the writ petition is that the office bearers of the Gram Panchayat Dhaneli, Dharsiwa, District Raipur have encroached the government land, for which the petitioner has moved an application under Section 40 of the Panchayat Raj Adhiniyam, 1993 (for short 'Adhiniyam, 1993') for their removal from the office. However, despite lapse of more than one and half years, the SDO (Revenue), Raipur has not completed the proceedings and no orders have been passed on petitioner's application.
5. It appears from Annexure-P-2 that the petitioner has moved the application under Section 40 of the Adhiniyam on 16.02.2017 and since then the proceedings are pending before the Competent Authority.
6. Considering the entire facts situation of the case, the writ petition is disposed of with direction that on petitioner's presenting certified copy of this order along with copy of the writ petition before the SDO (Revenue), Raipur, the said Authority shall do well to complete the proceedings under Section 40 of the Adhiniyam, 1993 within a reasonable time, preferably within a period of 4 months from the date of presentation of certified copy of this order.

7. It is made clear that the SDO (Revenue) shall complete the proceedings in accordance with law after giving full opportunity of hearing to the necessary parties.

Sd/-

Prashant Kumar Mishra
Judge

Nirala