

HIGH COURT OF CHHATTISGARH AT BILASPURWPC No. 1533 of 2018

Khitibhushan Patel S/o Gajanand Patel, Aged About 38 Years, Working As Up Sarpanch, Gram Panchayat Marodaraha, R/o Village Karigati, Block Office Baramkela, District- Raigarh, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department And Social Welfare Department Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Additional Commissioner Division, Bilaspur, District- Bilaspur, Chhattisgarh.
3. The Collector, Raigarh, District- Raigarh, Chhattisgarh.
4. Chief Executive Officer, Jila Panchayat Raigarh, Chhattisgarh.
5. The Sub Divisional Officer (Revenue), Sarangarh, District- Raigarh, Chhattisgarh.
6. The Chief Executive Officer, Janpad Panchayat Baramkela, District- Raigarh, Chhattisgarh.
7. Laxmi Prasad Patel S/o Ramkumar Patel, Aged About 31 Years, Working As Sarpanch In Gram Panchayat Marodaraha R/o Village Karigati, Block Office Baramkela, District- Raigarh, Chhattisgarh.

---Respondents

For petitioner	:	Shri Manoj Kumar Jaiswal, Advocate.
For State	:	Shri Ratan Pusty, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/05/2018

1. The challenge in the present Writ Petition is to the Annexure-P/1 dated 17/04/2018 whereby the Revisional Authority has entertained a revision petition preferred by the respondent No.7 and have stayed the order of removal passed by the Sub Divisional Officer dated 06/01/2018 on the sole

ground that the respondent No.7 has not availed the statutory remedy of appeal.

2. Whether there is an alternative remedy available or not is a fact which could be raised by the petitioner before the Competent Authority itself i.e. the Commissioner who has passed the impugned order and the Commissioner therein can proceed and decide the matter on its own merits including a decision of non availing the alternative remedy.

3. Thus, this Court does not find it to be a fit case for exercise of its extraordinary Writ Jurisdiction under Article 226 of the Constitution of India, nor is the order one which would require judicial review under Article 226 of the Constitution of India.

4. The instant Writ Petition accordingly stands dismissed.

Sd/-

(P. Sam Koshy)
Vacation Judge

Sumit