

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC NO.1966 of 2018**

Vrindra Lal Dhivar S/o Shri Ganesh Ram Dhivar Aged About 53 Years R/o Village-Post Office, Police Station And Tahsil Malkharauda, Civil And Revenue District- Janjgir-Champa, Chhattisgarh

----Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Panchayat And Rural Development Department, Government Of Chhattisgarh, Mahanadi Bhawan, New Raipur, Civil And Revenue District- Raipur, Chhattisgarh
2. Additional Commissioner Bilaspur, Division Bilaspur, District- Bilaspur, Chhattisgarh
3. Collector Janjgir Civil And Revenue District- Janjgir-Champa, Chhattisgarh
4. Sub-Divisional Officer (Revenue) Sakti, Civil And Revenue District- Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr.K.A.Ansari, Senior Advocate with
		Mr.Ramesh Nayak, Advocate
For Respondents	:	Mr.R.N.Pusty, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/07/2018**

1. The petitioner was removed by the Sub Divisional Officer (Revenue), Sakti in exercise of powers conferred under Section 40 (1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (hereinafter called as 'the Act of 1993'), against which, he preferred an appeal before the Collector under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 along with stay application. His stay application was rejected, against which, he preferred a revision before the learned Additional Commissioner,

Bilaspur Division, Bilaspur. Learned Additional Commissioner on 24.5.2018 granted interim order in favour of the petitioner staying the order of removal dated 10.5.2018, but while rejecting the caveat application of one Rajneet Ajgale, learned Additional Commissioner also vacated the interim order and directed the Collector, Janjgir-Champa to pass final order, against which, this writ petition has been filed by the petitioner herein.

2. Learned Senior Counsel for the petitioner would submit that revision petition was not heard finally and while disposing of the caveat application stay already granted has been vacated without hearing the revision on merits, therefore, the impugned order is liable to be set aside.
3. On the other hand, learned Government Advocate for the respondents/State would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.
5. It is correct to say that learned Additional Commissioner could not have closed the revision proceedings abruptly without considering the legality and validity of the application for stay rejected by learned Collector, which is absolutely unsustainable, but it is fact that the petitioner has been removed and despite interim order he could not take charge on the post of Sarpanch.
6. Since the appeal is pending consideration before the Collector, Jangir-Champa, it would be expedient to direct the Collector, Janjgir-Champa to hear the appeal finally within two weeks from the date of receipt/production of certified copy of this order after hearing the parties as the petitioner has been removed on

10.5.2018 and since then contesting the case from Sub-Divisional Officer to this Court.

7. With the aforesaid observation, the writ petition finally stands disposed of. A copy of this order be sent to the Collector, Janjgir-Champa for compliance and further needful action. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-