

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2263 of 2018**

Kishanlal Sonwani S/o Hariram Sonwani, Aged About 59 Years R/o Gram Panchayat, Kuwanmalgi, Janpat Panchayat, Pandaria, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Indravati Bhawan, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Additional Commissioner Durg Division, District Durg Chhattisgarh.
3. The Additional Collector, Kabirdham, District Kabirdham Chhattisgarh.
4. The Sub Divisional Officer, (Revenue), Pandaria, District Kabirdham Chhattisgarh.
5. The Naib Tahsildar, Kunda, District Kabirdham Chhattisgarh.
6. Shivkumar Kurre S/o Feruram R/o Gram Panchayat, Kuwanmalgi, Janpad Panchayat, Pandaria, District Kabirdham Chhattisgarh.
7. Govind Sahu S/o Sidhram Panch, Resident Of Gram Panchayat, Kuwanmalgi, Janpad Panchayat, Pandaria, District Kabirdham Chhattisgarh.
8. Ramanujganj Yadav S/o Amar Singh Panch, Resident Of Gram Panchayat, Kuwanmalgi, Janpad Panchayat, Pandaria, District Kabirdham Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Santosh Bharat, Advocate.
For Respondents / State	:	Mr. Ashish Surana, Panel Laywer.
For Respondent No.6	:	Mr. A. K. Yadav, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/08/18**

Heard the petitioner and respondent No. 6.

1. With the consent of the parties matter is heard finally.
2. The petitioner's suspension from the post of Sarpanch under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam 1993 was revoked by the

Additional Collector, Kabirdham by order dated 11.06.2018. On the revision preferred by respondent No. 6, the Additional Commissioner, without hearing the petitioner, stayed the effect and operation of the order dated 11.06.2018 against which this writ petition has been preferred by the petitioner.

2. Learned counsel for the petitioner would submit that Additional Commissioner has stayed the order of Additional Collector without hearing the petitioner which has effect of granting final hearing to the respondent No. 6 and, therefore, the order of Additional Commissioner be set aside and matter be remitted for consideration afresh after hearing the petitioner.

3. On the other hand, learned counsel for respondent No. 6 submits that serious irregularities have been committed by the petitioner and the interim order was granted in accordance with law.

4. I have heard learned counsel for the parties.

5. Since the Collector has set aside the order of suspension and remitted the matter for consideration, the learned Additional Commissioner ought not to have stayed the order of Collector without hearing the petitioner as it has the effect of reviving the order of suspension against the petitioner, therefore, it would be expedient to remit the matter to the Additional Commissioner for order on the stay application afresh within a period of two weeks from the date of receipt of copy of this order.

6. The application for stay is restored to the file of Additional Commissioner which will be considered and decided the by the said authority in accordance with law after hearing the affected parties.

7. It is made clear that this Court has not expressed any opinion on the merits of the matter.

8. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

SD/-
(Sanjay K. Agrawal)
Judge