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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2589 of 2018**

- Laxman Ram Chandrakar S/o Late Kejuram Chandrakar Aged About 45 Years R/o Village Baigi, P. O. Dashrampur, Police Station Pipariya, District Kabirdham, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Collector District Kabirdham, Chhattisgarh.
3. S. D. O. Kawardha District Kabirdham, Chhattisgarh.
4. Santosh Chandrakar S/o Sidhwarman Chandrakar Aged About 33 Years R/o Village Baiji, Tehsil Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Petitioner
For Respondent /State

Mr. Kishore Narayan, Advocate
Mr. R. Tripathi, Panel Lawyer

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****19/9/2018**

1. Heard.
2. Learned counsel for the petitioner would submit that respondent No.4 was earlier suspended from the office of the Sarpanch of the Gram Panchayat, Dudhiya, Tehsil and District Kabirdham by SDO(R), Kawardha in exercise of power under Section 39(1)(b) of the Chhattisgarh Panchayat Raj Adhiniyam

1993 (in short “the Adhiniyam, 1993”), however, the order was quashed by this Court in WPC No.471 of 2018 by order dated 13.3.2018 reserving liberty in favour of the SDO(R) to proceed in accordance with law. He would submit that the order having been quashed on technical ground, the SDO(R) should have drawn fresh proceeding in accordance with law, but the SDO(R) has not done it to protect respondent No.4.

3. Considering the entire facts and circumstances of the case, the writ petition is disposed of with direction that in the event, the petitioner moves before the SDO(R), Kawardha for drawing fresh proceedings against respondent No.4 under Sections 39 & 40 of the Adhiniyam, 1993 within a period of 4 weeks from today, the SDO(R) shall decide the application, at the earliest, preferably within a period of next 3 months.

Sd/-

(Prashant Kumar Mishra)

Judge

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