

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3156 of 2018

- Smt. Saroj Yadav W/o Shri Jageshwar Yadav, Aged About 40 Years Sarpanch Of Gram Panchayat, Saida, R/o Village Saida, Block And Tahsil Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Collector, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat-Cum-Secretary, District Clean India Mission (Rural), Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The Sub Divisional Officer (Revenue), Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. The Chief Executive Officer, Janpad Panchayat, Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
6. Rajesh Dubey S/o Shyamsunder Dubey, Aged About 40 Years Up-Sarpanch, R/o Village Saida, Block And Tahsil Takhatpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Petitioner

Shri Bharat Rajput, Advocate

For Respondent-State

Shri Avinash Singh, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

19/11/2018

1. Against the petitioner, proceeding under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short the Adhiniyam, 1993) is pending consideration before the SDO

(Revenue), Kota. In the said proceeding, the petitioner has moved preliminary objection which, according to the petitioner, has not been decided. The petitioner thereafter preferred revision application before the Collector, which has also been dismissed.

2. There is no provision under the Adhiniyam, 1993 or the rules framed thereunder where the prescribed Authority is obligated to decide the preliminary objection in a proceeding under Section 40 of the Adhiniyam, 1993. The Authority may decide the issues at the time of deciding the proceeding finally.
3. No case for interference is made out in this petition. It is accordingly dismissed, subject to the above observation.

Sd/-
Prashant Kumar Mishra
Judge

Nirala