

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 74 of 2019

- Savitri Bai Sidar D/o Shri Ranjit Sidar Aged About 56 Years, Sarpanch, Gram Panchayat Puraina, Block And Tahsil Kharsia, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Panchayat, New Mantralaya, Mahanandi Bhawan, New Raipur Chhattisgarh
2. The Additional Commissioner Bilaspur Division, Bilaspur Chhattisgarh
3. The Collector District Raigarh Chhattisgarh
4. The Sub Divisional Officer (Revenue) Kharsia, District Raigarh Chhattisgarh
5. Amarnath Bhardwaj Janpad Panchayat Sadasya, Janpad Panchayat Kharsia District Raigarh Chhattisgarh
6. Hari Prasad Gabel Up Sarpanch, Gram Panchayat Puraina, Janpad Panchayat Kharsia District Raigarh Chhattisgarh
7. Teej Ram Khandelwal (Villager) R/o Village Panchayat Puraina, Tahsil Kharsia District Raigarh Chhattisgarh
8. Yogesh Chauhan Secretary (Terminated) Gram Panchayat Puraina, Janpad Panchayat Kharsia District Raigarh Chhattisgarh

---- Respondent

For Petitioner	Mr. PK Patel, Advocate
For Respondent /State	Mr. Alok Bakshi, Additional Advocate General

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

14/1/2019

1. Heard.
2. In view of the first proviso to sub-rule (1) of Rule 5 of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 , the impugned order dated 21.12.2018 passed by the Additional Commissioner, Bilaspur Division, Bilaspur, nullifying the effect and operation of the order challenged before it, is *ex facie* contrary to the express statutory provision.
3. Accordingly, the impugned order deserves to be and is hereby quashed at the admission stage itself. The interim order passed by the concerned Collector in the petitioner's favour on 26.9.2018 shall remain operative.
4. The Collector shall decide the proceedings, at the earliest, preferably within a period of 2 months from today.
5. The writ petition is allowed.

Sd/-

(Prashant Kumar Mishra)

Judge

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