

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1123 of 2019**

- Bharat Lal Choudhri S/o Laxmiprasad Choudhri Aged About 50 Years (Suspended - Sarpanch), R/o Village Ameri, Caste - Aghariya, Gram Panchayat Ameri, District Raigarh Chhattisgarh.,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat Department, Mahanadi Bhawan, New Raipur, Raipur, Chhattisgarh
2. Collector Raigarh, District - Raigarh Chhattisgarh.,
3. Sub Divisional Officer (Revenue) Prescribed Authority Sarangarh, District - Raigarh Chhattisgarh.,

---- Respondents

For Petitioner	: Shri Sanjay Agrawal, Advocate
For Respondents/State	: Shri Sudeep Verma, Deputy G.A.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****26.03.2019**

1. This petition has been filed by the Petitioner- Sarpanch questioning the propriety of the order dated 15.02.2019 passed by the Sub-Divisional Officer (Revenue), whereby the Petitioner has been suspended from the said post under Section 39 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (hereinafter referred to as 'the Adhiniyam, 1993').
2. Learned counsel for the Petitioner submits that the alleged order has been passed without following the mandatory provisiond prescribed under clause (b) of sub-section (1) of Section 39 of the Adhiniyam, 1993, therefore, it deserves to be set aside.
3. On the other hand, learned counsel for the State submits that against the order of suspension, appeal would lie before the Collector, Raigarh, under Rule

3 of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 (hereinafter referred to as 'the Rules of 1995'), therefore, the petition as framed is premature and deserves to be dismissed on this ground alone.

4. During the course of argument, learned counsel for the petitioner submits that he may be permitted to prefer an appeal before the Collector, Raigarh along with an application for condonation of delay in filing the same.

5. Prayer appears to be fair and reasonable.

6. If the petitioner prefers an appeal along with an application for condonation of delay before the appellate authority within a period of 15 days from today, the appellate authority shall consider the appeal as well as the application for condonation of its delay in accordance with law within the period of 3 months from the date of filing of appeal.

7. With the aforesaid direction, the petition stands finally disposed of. No order as to costs.

8. The Registry is directed to return the certified copy of the order dated 15.02.2019 (Annexure P/1) after obtaining the photocopy of the same.

Sd/-

(Sanjay Agrawal)
Judge