

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1314 of 2019**

- Kishanlal Sonwani S/o Hariram Sonwani Aged About 60 Years R/o Gram Panchayat, Kuwanmalgi, Janpad Panchayat, Pandaria, District- Kabirdham, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Indravati Bhawan, Mantralaya, New 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, R/o Gram Panchayat, Kuwanmalgi, Janpad Panchayat, Pandaria, District- Kabirdham, Chhattisgarh
8. Ramanujganj Yadav S/o Amar Singh, Panch, R/o Gram Panchayat, Kuwanmalgi, Janpad Panchayat, Pandaria, District- Kabirdham, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vikash Shrivastava, Advocate
For Respondent/State	:	Shri Anmol Sharma, P. L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/04/2019**

1. Heard.
2. By the present petition, the petitioner would assail the order dated 08.10. 2018.

it is contended that the Additional Commissioner, Durg while passing an order has failed to take into notice the direction given by this Court in WPC No. 2263 of 2018 on 09/08/2018 wherein it was directed that both the parties should be given an opportunity of hearing, before hearing on the stay application. It is

further contended that in the mechanical manner the order (Annexure P-1) has been passed, therefore that needs to be arrested.

3. Perusal of the record would show that initially the petitioner who was an elected Sarpanch was suspended by the S.D.O on 17/11/2017, which was subject of appeal before the Additional Collector Kabirdham and the Additional Collector by the order dated 11/06/2018 had stayed the order of the S.D.O. The said order was subject of revision before the Additional Commissioner Durg. The Additional Commissioner, Durg by order dated 03/07/2018 has stayed the order of the Additional Collector which had the effect of reviving the suspension order of the petitioner. The said order of the Additional Commissioner was further subject of challenge in WPC No. 2263 of 2018. This Court by order dated 09/08/2018 remitted back the case for hearing with a direction to hear both the parties on the application of stay. Subsequently the impugned order dated 08/10/2018 has been passed.
4. After Perusal of the order dated 08/10/2018 this Court in exercise of power under Article 226 of Constitution of India will not go into the finding of fact. Since the original revision petition is already pending the substantive justice would be sub-served if the parties are heard on merit. Consequently, it is directed that the Additional Commissioner before whom the revision bearing No.347/A-89/17-18 is pending shall decide the revision on merits within a further period of 60 days from the date of receipt of this order.
5. With such observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Ashu