

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 1645 of 2019

Nem Lal Patel, S/o. Shri Loknath Patel, Aged About 40 Years, Occupation Social Worker, R/o. Village Pandripani (East), Post Jurda, Police Station - Chakradhar Nagar, Raigarh, Tahsil And District Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. The State Of Chhattisgarh, Through Secretary, Department Of Panchayat And Rural Development Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. The Collector Raigarh, District Raigarh Chhattisgarh.
3. The Sub Divisional Officer (Revenue) Tahsil And District Raigarh Chhattisgarh.
4. Zila Panchayat Raigarh, Through Its Chief Executive Officer, District Raigarh Chhattisgarh.
5. Janpad Panchayat Raigarh, Through Its Chief Executive Officer, Block, Tahsil And District Raigarh Chhattisgarh.
6. Hulasram Patel, S/o. Shri Kamal Sai Patel, Aged About 48 Years, Sarpanch Gram Panchayat Pandripani (East), R/o. Village - Pandripani (East), Post Jurda, Police Station Chakradhar Nagar, Raigarh, Tahsil And District Raigarh Chhattisgarh.
7. Sushil Kumar Sahu, S/o Shri Bhogaram Sahu, Aged About 43 Years, Ex Secretary Of Gram Panchayat Pandripani (East), Presently Posted At Gram Panchayat Lakha, Tahsil And District Raigarh Chhattisgarh.
8. Bhagwat Jaiswal, Presently Posted As Sub Divisional Officer (Revenue), Tahsil And District Raigarh Chhattisgarh.
9. Smt. Sanjay Chandan Tripathi, Presently Posted As Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh Chhattisgarh.
10. Kanhaiya Patel, Posted As Reader At Office Of Sub Divisional Officer (Revenue) Tahsil And District Raigarh Chhattisgarh.
11. Suresh Laxme, Presently Posted As Reader At Office Of Sub Divisional Officer (Revenue) Tahsil And District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Roop Naik, Advocate
For State	:	Mr. Anmol Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.05.2019

1. Learned counsel for the petitioner submits that he has impugned the order dated 05.04.2019 (Annexure P-1) which is an order passed on enquiry under Section 40 of the Panchayat Raj Adhiniyam by the S.D.O. against the respondent No.6 & 7.
2. It is contended that the Auditor had conducted an enquiry and it was found that there is some defalcation in the amount. The said finding was given on 16.01.2018. Subsequently, the finding was forwarded to the C.E.O. who has been arrayed as respondent No.9 and it is stated that she deliberately kept such finding of the Auditor and after lapse of almost 8 months forwarded it to the S.D.O. and S.D.O. thereafter conducted an enquiry. During enquiry certain false bills were produced and S.D.O. on the basis of believing the bills to be true exonerated the respondent No.6 & 7 who are Sarpanch & Secretary of Gram Panchayat Pandripani.
3. Learned counsel for the petitioner submits that the bills so produced have also been placed before this Court which would prima facie shows that the bills are forged and as the materials is alleged to be supplied by one Contractor Pankaj Kumar Gupta, he submits that neither any TIN number nor Registration number are there in the bills but the bills have been accepted which are forged.
4. Perusal of the order dated 05.04.2019 shows that during the enquiry, the S.D.O. found the bills which were produced during the enquiry and given a finding that vouchers have been overlooked by the Auditor. If the petitioner alleges certain bills were forged, it is for him to take the appropriate remedy which may be available to him under the law. This Court in exercise of power under Article 226 of the Constitution of India cannot open a roving enquiry so as to find out whether such bills are correct or not. The petitioner is if so sanguine of the fact that the bills are forged, he may, if so advised,

file an appropriate complaint and seek redressal as available to him under the Criminal Procedure Code. It is further made clear that this Court has not made any observation about the authenticity of the bills.

5. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Ashok