

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 387 of 2017**

- Shantibai Gada, aged about 31 years (At Present 46 Years), W/o Bhukhauram Gada, Ex-Village Kotwar, Village Puleni, Tahsil Kasdol, District Raipur (CG)

---- Appellant (Petitioner)**Versus**

1. State Of Chhattisgarh Through Secretary, Board Of Revenue, D.K.S. Bhawan, Mantralaya, Raipur (CG)
2. The Collector, Raipur (CG)
3. Tahsildar, Tahsil Kasdol, District Raipur (CG)
4. Gram Panchayat Phuleni (Puleni), Through the Sarpanch, Tahsil Kasdol, District Raipur (CG)
5. Ramesh Sahish, S/o Dukharam Kotwar, Village Puleni, Tahsil Kasdol, District Raipur (CG) (Now District Balodabazar)

---- Respondents

For Appellant	:	Shri Puneet Ruparel, Advocate
For Respondents No.1 to 4	:	Shri R.S. Baghel, Dy. Govt. Advocate

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order on Board**Per Ajay Kumar Tripathi, CJ****03/1/2019**

1. The appellant was removed as a Village Kotwar in exercise of powers under Section 230 of the Chhattisgarh Land Revenue Code, 1959. The removal order came to be issued after the Tahsildar, Kasdol found atleast Charge Nos.2, 3, 4, 5, 7 & 8 to be proved. Said findings were affirmed by the Sub-Divisional Officer & the Board of Revenue. In this background, a writ application came to be filed before the learned Single Judge assailing

the said decision of removal.

2. The primary argument made before the learned Single Judge seems to be that the appellant was not afforded proper opportunity of hearing and that is a good ground to set aside the decision of removal and he tried to take support from a case decided by the Hon'ble Apex Court, which is case of *Indrani Bai vs. Union of India* reported in (1994) Supp 2 SCC 256.
3. We have gone through the relevant Code and the rules therein. There is no process or procedure provided that a full fledged departmental enquiry is required to be held in case of allegations levelled against a Kotwar of being a bad character or participating in any kind of undesirable activities or acting in a manner which in the opinion of the appointing authority is not in the public interest.
4. From the records and the findings so recorded, the learned Single Judge refused to interfere with the order passed against the appellant because there seems to be concurrent findings of fact of all the three authorities on the charges having been found to be proved. It is also recorded by the learned Single Judge after having gone through the original records, which had been summoned by him, that due opportunity of hearing was provided to the appellant and merely saying that she did not get fair opportunity may not do. Infact, we also did not find anything on record showing that such a specific plea or instances were brought before any of the appellate authorities when the matter was heard either before the Sub-Divisional Officer or the Board of Revenue.
5. Charges seem to be serious. An open enquiry was held where the villagers participated, the evidence came to be recorded in the presence

of the appellant who had full opportunity to either rebut the same or adduce evidence otherwise in her support. But it seems that most of the charges, especially in relation to misuse of her office and extorting money from the villagers by threatening to implicate them in false case etc. emerged in unison against the appellant.

6. In the above circumstances if the writ application of the appellant was dismissed, we do not feel that learned Single Judge has committed an error by refusing to interfere with the decision of removal.
7. The appeal has no merit, the same is liable to be dismissed and is hereby dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-