

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2399 of 2019

Avadhram Sidar S/o Milan Prasad Sidar Aged About 32 Years Caste
Gond, Bahirgami Sarpanch, Gram Panchayat Kotmi, Development
Block And Tahsil Dabhra, District Janjgir Champa Chhattisgarh.,
--- **Petitioner**

Versus

1. Kamal Kishore Khute S/o Teklal Khute Aged About 35 Years Caste
Satnami, R/o Gram Panchayat Kotmi, Development Block and Tahsil
Dabhra, District Janjgir Champa Chhattisgarh.
2. Girdhari Patel S/o Harishankar Patel Aged About 25 Years Caste
Aghariya, Sub Sarpanch , R/o Gram Panchayat Kotmi Development
Block And Tahsil Dabhra, District Janjgir Champa Chhattisgarh.
3. Sub Divisional Officer (Revenue) Dabhra, District Janjgir Champa
Chhattisgarh.
4. Collector Janjgir Champa Chhattisgarh., District : Janjgir-Champa,
Chhattisgarh
5. Upper Commissioner Bilaspur Division Bilaspur District : Bilaspur,
Chhattisgarh
--- **Respondent**

For the Petitioner	:	Mr. Deepak Kumar Singh, Advocate
For the State	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.07.2019

1. The petitioner is an elected Sarpanch. Learned counsel for
the petitioner submits that pursuant to registration of an
offence against the petitioner under sections 420, 467, 478,
471/34 of IPC, he was initially suspended by the Sub-
Divisional Officer in exercise of powers under section 39 of
the Panchayat Raj Adhiniyam, 1993. The said order was
subject of challenge in appeal under the Panchayat Raj

(Appeal and Revision) Rules, 1995 and the order of the SDO was stayed by the Collector on 24.06.2019. It is contended that the respondents in the meanwhile had preferred a second appeal before the Commissioner and the Commissioner vide impugned order dated 05.07.2019 has stayed the order of Collector. Learned counsel submits that the order of the collector cannot be challenged by way of second appeal as Rules 1995 do not postulate the same.

2. A perusal of the order dated 05.07.2019 shows that the Additional Commissioner has fixed the date on 29.07.2019 for hearing the case against which the instant petition is filed. In view of such facts and circumstances of the case, the petitioner is given liberty to raise all the grounds before the Additional Commissioner including the ground of maintainability of second appeal on the date of hearing and on such grounds being raised, the authority shall be required to decide the same in accordance with law. The Additional Commissioner shall decide the case within a period of 45 days from the date of receipt of the copy of this order.
3. Accordingly, the writ petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**