

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3054 of 2019**

- Sukhabai Manhar, W/o Shri Jiwanlal Manhar, Aged About 40 Years, Elected Sarpanch Gram Panchayat Thakurdeva, Village Thakurdeva, Post Office And Police Station And Tahsil And Janpad Panchayat Masturi, District Bilaspur, Chhattisgarh. **---- Petitioner**

Versus

1. Ghasnu Sahu, S/o Sukhitram
2. Tularam S/o Chinitram
3. Mangal S/o Gariba
4. Bahorandas S/o Gariba
5. Geetaprasad S/o Gariba
6. Dasharath S/o Ghuruha Caste Satnami
7. Nohardas S/o Samarudas
8. Laxmanprasad S/o Lakhanlal
9. Keshav S/o Kejaram
10. Nunuha S/o Shivnath

All the respondents No. 01 to 10 are R/o Village Thakurdeva, Gram Panchayat Thakurdeva, Post Office And Police Station And Tahsil And Janpad Panchayat Masturi, District Bilaspur, Chhattisgarh.

11. District Collector Bilaspur (Specified Officer) District Bilaspur, Office Of The Collector Bilaspur District Bilaspur, Collectorate Campus, Bilaspur, Chhattisgarh.
12. Commissioner Bilaspur, In The Office Of The Commissioner Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

----Respondents

For Petitioner : Shri Vijay K. Deshmukh, Advocate

For Respondent/State : Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri, Judge

Order On Board**04/09/2019**

Heard.

1. Learned counsel for the petitioner would submit that only on the basis of the report filed by the Naib Tahsildar it was held that the petitioner has encroached upon the government land and thereby has been directed to vacate the office. Learned counsel for the petitioner would submit during the hearing before the Collector the petitioner wanted to demolish the report of Naib

Tahsildar as it was wrong and during the hearing before the Collector time and again prayer was made to lead evidence. However, the Collector did not allow to lead evidence and the orders have been passed on 27.05.2019, thereafter when it was subject matter of the appeal before the Commissioner, the Commissioner though on 17.07.2019 had heard the petitioner on interim stay but did not pass any order.

2. Perused the order sheet of the Additional Collector, Bilaspur which shows that on 13.02.2019 the petitioner counsel prayed to lead evidence which is followed by subsequent prayer to lead evidence and eventually on 18.03.2019 the prayer to cross examine the witness was made but was disallowed. It is only on the basis of unilateral report of Naib Tahsildar the order dated 27.05.2019 has been passed, by Collector and petitioner has been removed from her office. The appeal has been filed under Section 36 (4) of the C.G. Panchayat Raj Adhiniyam, 1993 and the order sheet dated 17.07.2019 of the Commissioner would show that the Commissioner had heard the issue at length, perused the documents and ultimately the case has been fixed as 'पूर्ववत्'.

3. Prima Facie, after going through the order sheet of the Collector and taking into the facts the appeal has already been preferred which is pending adjudication, considering the background of this case, no purpose would be served in keeping this petition pending and will only lead to multiplicity of the proceedings. Considering the facts in the order sheet as recorded by Collector wherein right to lead evidence or cross examination of witness was disallowed taking into the facts since the appeal has already been preferred, which is still pending it is directed that till the appeal is decided on merits the order of the Collector dated 27.05.2019 shall not be given effect to.

4. With such observation the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge