

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 3667 of 2019**

Sarpanch Gram Panchayat, Bilai Block, Bemetara District -
Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector, Bemetara Chhattisgarh.,
District : Bemetara, Chhattisgarh
2. Collector, Tahsil And District - Bemetara Chhattisgarh., District :
Bemetara, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Viprasen Agrawal, Advocate
For State	:	Mr. Ashutosh Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/10/2019**

1. The challenge in the present writ petition is to the impugned orders Annexure P/1 & P/2 dated 13.08.2019, passed by the Collector, District Bemetara and the Sub-Divisional Officer (Revenue), Bemetara, District Bemetara dated 22.06.2019.
2. The facts in nutshell is that the Sub-Divisional Officer at the instance of the Collector received certain complaints in respect of the petitioner, who is an elected Sarpanch of Gram Panchayat Bilai, District Bemetara having allotted Abadi Lease Land under the Pradhan Mantri Awas Scheme ignoring the previous resolution of the Gram Panchayat and the allotment has also been made to eligible persons.
3. The Sub-Divisional Officer has registered the case and after due inquiry vide its order dated 22.06.2019 has set-aside the allotment of such lease to 27 beneficiaries holding them to be either ineligible or not eligible for the receipt of the said lease and as a

consequence cancelled the lease granted to these 27 persons. The report of the Sub-Divisional Officer was placed before the Collector, who now vide impugned order Annexure P/1 dated 13.08.2019 has affirmed the order of the Sub-Divisional Officer. It is these two orders, which are under challenge in the present writ petition.

4. The contention of the petitioner is that the respondent authorities have firstly not properly appreciated the entire evidence and other records available with the Gram Panchayat in respect of the allotment made and therefore the findings of the two authorities are without any substantial basis. The further contention of the petitioner is that the order passed by the Collector also is after the prescribed period within which it ought to have passed an order and for this reason also the order is bad.
5. Having gone through the pleadings made in the writ petition and the records available it clearly reflects that it is the cancellation of allotment of lease to 27 persons by the petitioner in the capacity of Sarpanch of Gram Panchayat Bilai, Block Bemetara, District Bemetara. These 27 beneficiaries do not seem to be aggrieved of the action. They have not challenged the said action of the Collector or the Sub-Divisional Officer before any forum. The petitioner does not seem to be the aggrieved person as the effect of the two impugned orders are against the beneficiaries and not against the petitioner. What also has to be seen is that the Gram Panchayat also does not seem to be aggrieved of the said action. It appears that it is only the petitioner in his personal capacity as the Sarpanch of the Gram Panchayat is challenging these two orders. What also has to be seen at this juncture is that the action of the respondents

in passing of the Annexure P/1 & P/2 is not adversely affecting the working of the petitioner in any manner and the status of the petitioner that of Sarpanch of Gram Panchayat Bilai. Moreover, the petitioner also is not precluded of taking fresh steps and fresh granting of allotment proceedings to the eligible persons. If the earlier proceedings were held to be bad that does not preclude the petitioner from taking steps for fresh allotment of lease in accordance with the provisions of law. Under the circumstances, this Court does not find any strong case made out by the petitioner calling for an interference with these two impugned orders.

6. So far as the second ground of the Collector who has not confirmed the order of the Sub-Divisional Officer within a period of 10 days, the said ground is not sustainable for the reason that provision of law does not envisage that the Collector should pass an order of confirmation within 10 days. On the contrary, the requirement of law is the Sub-Divisional Officer to intimate the Collector about the order passed by him within 10 days and which from the proceedings seems to have been done in accordance with law.
7. The writ petition therefore fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge