

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 3980 OF 2019**

• Smt. Rajmati Dhruw, aged about 41 years, W/o Raghunath Dhruw, Sarpanch, Gram Panchayat, Musuwadih, Block Palari, District Balodabazar-Bhatapara (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through its Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur
2. Commissioner, Division Raipur, District Raipur (CG)
3. Collector, District Balodabazar-Bhatapara (CG)
4. Sub Divisional Officer (Revenue), Balodabazar, District Balodabazar-Bhatapara (CG)
5. Chief Executive Officer, Janpad Panchayat, Palari, Block Palari, Balodabazar-Bhatapara (CG)
6. Ramcharan, S/o Bihari Lal Panch, Gram Panchayat, Musuwadih, Block Palari, District Balodabazar, Bhatapara (CG)
7. Dhannalal, S/o Anjore Das, Panch, Village Panchayat, Musuwadih, R/o Semradih, Block Palari, District Balodabazar-Bhatapara (CG) **... Respondents**

For Petitioner	:	Mr. C.B. Kesharwani, Advocate.
For Respondent-State	:	Mr. Anshuman Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/11/2019

1. The present writ petition has been filed by the petitioner against the order dated 1.4.2019 (Annexure P-6) passed by the Collector, District Balodabazar-Bhatapara and also the order dated 25.9.2019 (Annexure P-1) passed by the Commissioner, Raipur Division.
2. Facts of the case in brief are that the petitioner, who was an elected Sarpanch of Gram Panchayat, Musuwadih, Block Palari, District Balodabazar-Bhatapara, was removed from the post under Section 40 of the Panchayat Raj Adhiniyam, 1995 vide order dated 8.3.2019 (Annexure P-5). The said removal was immediately questioned by him by way of an appeal. The said appeal was admitted for hearing and the matter was ceased for final hearing. However, the application for grant of stay has been rejected on 1.4.2019 vide Annexure P-6. The rejection of the application for interim relief by the Collector was challenged before the Commissioner, Raipur Division. The Commissioner also did not find any error on the part of the Collector while rejecting the said application for interim relief and disposed of the revision petition directing the appellate authority i.e. the Collector to take an early decision on the appeal, affirming the order of the Collector dated 1.4.2019.

3. Considering the fact that the application for grant of stay has been considered by the Collector as well as the Commissioner in a two separate proceedings and also taking note of the fact that the order of termination came into force on 8.3.2019 and it is more than 7-8 months since then, this Court is of the opinion that there is no scope of interference on the two orders, dated 1.4.2019 (Annexure P-6) and 25.9.2019 (Annexure P-1), at this juncture.

4. However, it is ordered that the respondent no.3 before whom the appeal is pending consideration since April, 2019 shall consider and decide the appeal at the earliest, preferably within a period of 45 days from the date of receipt of certified copy of this order.

5. The writ petition accordingly stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE