

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4527 of 2019

1. Chamruram Khairwar, S/o Shri Panchram Khairwar, Aged About 42 Years, Secretary Gram Panchayat Sakreli (Baradwar), R/o Ward No. 5, Sakti, Tahsil-Sakti, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhavan, Atal Nagar, District : Raipur, Chhattisgarh
2. Collector Janjgir, District : Janjgir-Champa, Chhattisgarh
3. Sub Divisional Officer (R) Sakti, District : Janjgir-Champa, Chhattisgarh
4. Jila Panchayat, Janjgir Champa Through Its Chief Executive Officer, District : Janjgir-Champa, Chhattisgarh
5. Janpad Panchayat-Sakti Through Its Chief Executive Officer, District : Janjgir-Champa, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. V.R. Tiwari, Addl. Adv. General

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.12.2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 14.11.2019, whereby the Respondent No. 2 has passed an order directing the secretary and the then Sarpanch of village of gram panchayat Sakreli to deposit an amount of Rs. 22,77,266/- which according to the respondents was an amount received by the

petitioners for construction of toilets, which has not been released to the beneficiaries.

2. The contention of counsel for the petitioner is that the said order does not show compliance of the subsection 4 of Section 92 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. The contention of the counsel for the petitioner is that without conducting any enquiry whatsoever be it preliminary or detailed enquiry calling upon the petitioner. The Respondent No. 3 has arbitrarily passed an order of recovery, which is in contravention of the subsection 4 of Section 92.
3. The State counsel submits that from perusal of the impugned order, it appears that the action has been initiated at the behest of the Respondent No. 5 who is said to have complained against the petitioner, so far as the alleged irregularity conducted by him is concerned.
4. From the plain reading of the aforesaid provisions of the impugned order Annexure P-1, it is evidently clear that, there does not seem to be any enquiry as is required under sub-section 4 of Section 92 of the Act of 1993 conducted. In view of the same, this Court is of the firm view that the impugned order is thus violative of the said provisions and is, therefore, not sustainable. The impugned order, so far as the petitioner is concerned, therefore, is set-aside/quashed.
5. Reserving the right of the respondents to initiate appropriate proceedings in terms of the provisions of law. The impugned order, so far as it relates to the petitioner is concerned stands set-aside/quashed.

6. Accordingly, the present Writ Petition stands allowed and disposed-off.

**Sd/-
(P. Sam Koshy)
Judge**

Rahul