

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2109 of 2020**

Shyamkumari Mahilang, Aged about 55 years, W/o Mahendra Kumar Mahilang, Sarpanch of Gram Panchayat Joba, Janpad Panchayat Mahasamund District Mahasamund (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh, through Secretary, Panchayat & Rural Development Department, Atal Nagar, Naya Raipur
2. Sub-Divisional Officer (R.) District Mahasamund (C.G.)

---- **Respondents**

For Petitioner	:	Mr. Rohitashva Singh, Advocate
For State	:	Mr. Siddharth Dubey, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

18/09/2020

1. The challenge in the present writ petition is to the show cause notice dated 11.09.2019 and subsequent notice issued by the respondents Annexure P-4 dated 26.06.2020.
2. At the outset, this Court is reluctant to entertain the writ petition for the reason that it is only a show cause notice which is under challenge and from the pleadings of the petition, it appears that he has already submitted his detailed reply to the show cause notice on 15.09.2019 itself. However, the proceedings are still going on and a notice has been issued to the petitioner vide Annexure P-4 dated 26.06.2020.

3. Contention of the petitioner is that the authorities in a vindictive approach may take an abrupt decision and pass an order adverse to the interest of the petitioner. The only prayer made by the petitioner is that let respondents conduct a detailed enquiry and shall also consider the evidence and submissions that petitioner intends to bring before the authorities before taking the final decision.
4. State counsel at this juncture submits that since the show cause notice and the notice issued by the Revenue authorities are quite old there can be a possibility of the proceedings already having been concluded.
5. Counsel for the petitioner submits that there is no further development beyond Annexure P-4 that has been issued to him or at least he has not been served with any further notice or order so far as conclusion of the proceedings are concerned.
6. Taking into consideration the facts and circumstances of the case the present writ petition can be disposed of directing the respondent authorities to proceed in accordance with law and duly consider the submissions, contentions and evidence, if any to be submitted by the petitioner, before taking a final decision.
7. It is expected that the respondents shall not take any coercive action against the petitioner before conclusion of the proceedings and after due intimation and service of the order on the petitioner.
8. It is also made clear that in case if the proceedings have already been concluded then respondents are expected to duly serve the copy to the petitioner intimating him about the order passed by the authorities and under such circumstances the order passed by this

Court in this petition would lose its efficacy reservng the right of the petitioner to challenge the subsequent development.

9. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit