

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) NO.923 of 2014**

Jagdish Kashyap, aged about 55 years, S/o Late Shri Baisakhuram Kashyap, Posted as Halka Patwari, P.H. No.22, Juna Bilaspur, Tahsil & Distt.Bilaspur (CG), Civil & Revenue Distt.Bilaspur (CG)

-----Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Collector, Bilaspur (CG)
3. Additional Collector cum appellate authority, Lok Seva Guarantee, Bilaspur, Distt.Bilaspur (CG)
4. Sub Divisional Officer (R), Bilaspur, Distt.Bilaspur (CG)
5. Tahsildar, Bilaspur, Distt.Bilaspur (CG)

----- Respondents

For Petitioner	: Mr.Rahul Mishra, Advocate
For Respondents	: Mr.Sakti Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/9/2021

1. The petitioner herein calls in question legality, validity and correctness of the order dated 15.1.2014 (Annexure P-1) passed by respondent No.3/Additional Collector cum Lok Sewa Guarantee Appellate Authority under the Chhattisgarh Lok Sewa Guarantee Act, 2011 (hereinafter called as 'the Act of 2011) by which the petitioner's appeal filed under Sections 7 and 8 of the Act of 2011 has been dismissed affirming the order dated 12.4.2013 (Annexure P-2) passed by the Sub-Divisional Officer (R.), Bilaspur imposing penalty of ₹500/- against him.

2. Mr. Rahul Mishra, learned counsel for the petitioner, would submit that order dated 12.4.2013 (Annexure P-2) passed by the Sub-Divisional Officer (R.), Bilaspur imposing the penalty of ₹500/- is contrary to law and in violation of principle of natural justice, therefore, it is liable to be set-aside.
3. On the other hand, Mr. Sakti Singh, learned Panel Lawyer for the respondents/State, would support the impugned order.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. One Chandrashekhar Shesh, resident of Kila Ward, Juna Bilaspur, filed an application for grant of 22 points, which was directed to be provided on 22.2.2013 by the Additional Collector and Appellate Authority in Case No.01/2012 (Chandrashekhar Shesh v. State of Chhattisgarh), which was said to be not granted by the petitioner being patwari of the said area. Consequently, by order dated 12.4.2013 the Sub-Divisional Officer (R.), Bilaspur imposed penalty of ₹500/- against the petitioner vide Annexure P-2 under the Act of 2011, which the petitioner questioned on the ground of violation of principle of natural justice in appeal preferred before the appellate authority under Sections 7 and 8 of the Act of 2011. That has been dismissed by the appellate authority by the impugned order. The appellate authority

only held that the petitioner is responsible for delay in not supplying 22 points right in time, but did not consider as to whether order imposing penalty can be passed in violation of principle of natural justice. The order imposing penalty has been passed in violation of principle of natural justice and the petitioner has not been heard while imposing the penalty and the appellate authority also did not look into the same.

- 6.** In that view of the matter, the order imposing penalty of ₹500/- against the petitioner on 12.4.2013 (Annexure P-2) passed by the Sub-Divisional Officer (R.), Bilaspur as affirmed by the Additional Collector and Lok Sewa Guarantee Appellate Authority, Bilaspur is hereby set-aside. Other part of order shall remain intact.
- 7.** The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-