

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 426 of 2021

Dhaneshwar Jaiswal, S/o. Deviram Jaiswal, Aged About 48 Years, R/o-
Village – Judhga, Post – Jajang, Tehsil – Sakti, District - Janjgir - Champa
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District - Raipur Chhattisgarh.
2. Collector, Janjgir – Champa, Chhattisgarh.
3. Chief Executive Officer, Jila Panchayat, Janjgir – Champa, District : Janjgir - Champa, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat, Sakti, District : Janjgir-Champa, Chhattisgarh
5. Internal Audit Officer, Janpad - Panchayat Sakti, District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Basant Dewangan, Advocate
For State	:	Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.02.2021

Heard

1. The present petition has been filed that a complaint was made by one Rathore that certain fraud have been committed by the Chief Executive Officer and the Internal Auditor in carrying out the work at Janpad Panchayat Sakti and private persons were favoured for payment and grant of contract and illegal withdrawals were made from the account of the Janpad Panchayat- Sakti.
2. It is stated that despite such application being made to the Collector, no enquiry is carried out; therefore, the writ be issued to the State authorities to conduct an enquiry.

3. The petition has been preferred by Dhaneshwar Jaiswal. He relied on the complaint made by one Rathore by Annexure P-2 dated 14.09.2020.
4. Perusal of the complaint made would show that certain fraud and irregularities have been projected against the Chief Executive Officer & Internal Auditor. The petitioner if is so sanguine of the fact that the alleged fraud has been committed then he may avail the general remedy as available to him under the common law. The writ if like nature are issued then the writ Court would be flooded and even in the genuine cases it would be difficult for public officer to discharge the job as genuine work may also invite complaint by any person. Therefore, the nature of the prayer as has been made, I am not inclined to issue any direction under Article 226 of the Constitution of India. The petitioner shall be at liberty to avail the remedy available to him under the general law. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Aks