

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1198 of 2021

- Smt. Parvati Dhruw Wife Of Shri Dulesh Dhruw Aged About 25 Years Resident Of Village And Post Malgaon, Block Gariyaband, Police Station And Tahsil Gariyaband District Gariyaband (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur (Chhattisgarh)
2. Collector Gariyaband, District Gariyaband (Chhattisgarh),
3. Sub Divisional Officer (Revenue) Gariyaband, District Gariyaband Chhattisgarh
4. Chief Executive Officer Zila Panchayat Gariyaband, District Gariyaband Chhattisgarh
5. Chief Executive Officer Janpad Panchayat Gariyaband, District Gariyaband Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A.D. Kuldeep, Advocate
For State	:	Mrs. Richa Shukla, Dy. G.A.
For Caveator	:	Mr. Chandradeep Prasad & Mohd. Afroz Athar, Advocates

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.03.2021

Heard.

1. The present writ petition has been filed by the petitioner against the order dated 19.01.2021 (Annexure P/1) passed by the SDO in exercise of power under Section 40 of the Chhattisgarh Panchayat Raj

Adhiniyam 1993.

2. Learned counsel for the petitioner submits that the petitioner has been removed on the allegation that he withdrew the amount without the resolution of the Gram Panchayat, therefore the limited prayer made by the petitioner by way of this petition is that the order dated 19.01.2021 passed by the SDO (Annexure P/1) may be stayed.
3. Perusal of the record would show that the order dated 19.01.2021 (Annexure P/1) is passed by the SDO in exercise of power under Section 40 of the Act of 1993 against which an appeal has already been preferred before the Collector. Since the appeal has already been preferred before the Collector and the Collector is in the seisin of the matter, I am not inclined to exercise any power under Article 226 of the Constitution of India to draw a certain proceeding. However, the Collector may decide the appeal as early as possible, in accordance with law.
4. With the aforesaid observation/ direction, the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE