

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1749 of 2021**

- Ramnaresh Yadav S/o Late Shri Sambhu Yadav Aged About 71 Years Panch, In Ward No. 14, Gram Panchayat, Kaskela, Resident Of Village Kaskela, Post Office Salka (Aghina), Tahsil Bhaiyathan, District Surajpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. The Commissioner, Sarguja Division, Ambikapur, Chhattisgarh
3. The Collector, District Surajpur, Chhattisgarh
4. Chief Executive Officer, Jila Panchayat Surajpur, District Surajpur, Chhattisgarh
5. Sub Divisional Officer (Revenue) Bhaiyathan, District Surajpur, Chhattisgarh
6. Chief Executive Officer, Janpad Panchayat Bhaiyathan, District Surajpur, Chhattisgarh
7. Smt. Rukmani Devi Ex. Sarpanch, Gram Panchayat Kaskela, Post Office Salka (Aghina), Tahsil Bhaiyathan, District Surajpur, Chhattisgarh
8. Smt. Gayatri Devi W/o Rakes Kumar Yadav, Upsarpanch, Gram Panchayat Kaskela, Post Office Salka (Aghina), Tahsil Bhaiyathan, District Surajpur, Chhattisgarh
9. Shri Chhatradhari Yadav Panchayat Secretary, Gram Panchayat Kaskela, Post Office Salka (Aghina), Tahsil Bhaiyathan, District Surajpur, Chhattisgarh
10. Prem Kumar Yadav, Data Entry Cum Operator, Gram Panchayat Kaskela, Post Office Salka (Aghina), Tahsil Bhaiyathan, District Surajpur, Chhattisgarh
11. Kishan Kumar, Villagers, Gram Panchayat Kaskela, Post Office Salka (Aghina), Tahsil Bhaiyathan, District Surajpur, Chhattisgarh

---- Respondents

For Petitioner : Shri Alok Pandey, Advocate

For Respondents/State : Shri Gagan Tiwari, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****24/03/2021**

1. Heard.
2. By way of the present petition, the petitioner has challenged the order dated 22.12.2020 (Annexure P-1) whereby the application filed by the petitioner under Order 1 Rule 10 CPC to make him party in a proceeding which was commenced at the behest of respondents No.7 to 11, was dismissed.
3. Learned counsel for the petitioner would submit that a complaint was made by the petitioner against respondents No.7 to 11 that they have withdrawn certain amount on the basis of forged documents and after enquiry it was found to be correct by Annexure P-3. He would further submit that thereafter the CEO, Zila Panchayat recommended disciplinary action under the C.G. Panchayat Raj Adhiniyam, 1993 by letter dated 20.01.2020. Against such finding respondents filed a petition before the Commissioner, Surguja Division, Ambikapur (Annexure P-6), wherein the petitioner had filed an application under Order 1 Rule 10 CPC to make him a party, which was dismissed.
4. Learned counsel for the petitioner would further submit that the petitioner has a locus in the said petition filed by respondents No.7 to 11 because the petitioner was one of the complainants and he can place the facts before the Commissioner, however, the Commissioner by order dated 22.12.2020 has dismissed the application filed under Order 1 Rule 10 CPC. Therefore, there is an illegality.
5. I have heard learned counsel for the petitioner and perused the documents.

6. Under the C.G. Panchayat (Appeal and Revision) Rules, 1995 (for short 'the Rules, 1995'), the order passed by the CEO, Zila Panchayat was subject of challenge before the Commissioner, wherein an application under Order 1 Rule 10 CPC filed by the petitioner was dismissed. Rule 5 of the the Rules, 1995 speaks about the revision and the limitation for filing of revision is 60 days as per Rule 6 of the Rules, 1995. Since the order is dated 22.12.2020 the same is prima facie barred by time subject to condonation. This Court in exercise of power under Article 226 of the Constitution of India will not go into the facts to condone the delay in filing the revision by implication as the facts of this case do not warrant that it is an illegality to the extent which requires the power to be exercised under Article 226 of the Constitution of India.
7. Even otherwise, in the order dated 22.12.2020 I do not find any illegality since the enquiry has already been conducted at the behest of the State and certain finding has been recorded. More so, if the private individuals are allowed to intervene in the likewise matter then it may open a flood gate of multiplicity of litigation. In view of this, I am not inclined to interfere with the order. Accordingly, the petition is dismissed. It is observed that the Commissioner may decide the case as expeditiously as possible.

Sd/-

Goutam Bhaduri
Judge

Ashu