

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1758 of 2021

Sanat Kumar Tomar S/o Bahadu Singh Tomar Aged About 30 Years R/o Village And Post Bundeli, Police Station And Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Throuh Its Chief Secretary, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Chhattisgarh,
2. The Collector Rajnandgaon, District Rajnandgaon Chhattisgarh.
3. The Chief Executive Officer District Panchayat Rajnandgaon, District Rajnandgaon Chhattisgarh.
4. The Chief Executive Officer Janpad Panchayat Chhuikhadan, District Rajnandgaon Chhattisgarh.
5. The Sub Divisional Officer (Revenue) Gandai-Chhuikhadan, District Rajnandgaon Chhattisgarh
6. The Tahsildar Chhuikhadan, District Rajnandgaon Chhattisgarh.
7. The Sarpanch Village And Post Bundeli, Tahsil And Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.
8. The Secretary Birbal Kaoushal Village And Post Bundeli, Tahsil And Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh
9. K.R. Yadav Deputy Auditor, Office Deputy Diretor, Panchayat Rajnandgaon, Tahsil And District Rajnandgaon Chhattisgarh.
- 10.T.K. Chandrakar Deputy Auditor, Office Deputy Director, Panchayat, Rajnandgaon, Tahsil And District Rajnandgaon Chhattisgarh.
- 11.C.L. Chandrakar Deputy Auditor, Office Deputy Director, Panchayat, Rajnandgaon, Tahsil And District Rajnandgaon Chhattisgarh.

---- Respondents

For petitioner – Shri Love Kumar Ramteke, Advocate.

For State-Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/03/2021

Heard.

1. The challenge in this petition is to the order dated 22/12/2020 (Annexure P-3) wherein the CEO Zila Panchayat, Rajnandgaon has directed to auction certain immovable property which has been constructed at Gram Panchayat, Bundeli by

following the mandate of section 65 of the C.G. Panchayat Raj Adhiniyam, 1993 and C.G. Panchayat (Stavar Sampatti Ka Antaran) Niyam, 1994.

2. Learned counsel for the petitioner submits that the construction was made without adhering to the rules and the required sanction and the map were also not passed which would be evident from Annexure P-9 dated 24/01/2021 which is the document received under the RTI, therefore the auction which is going to commence pursuant to letter dated 22/12/2020 may be stayed.

3. Since orders have been passed under the Panchayat Raj Adhiniyam, 1993 and as per Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 as it has been passed by the CEO Zila Panchayat it would be appealable under Rule 3 before the Commissioner. Apart from that during the course of argument the locus of the petitioner was sought to be clarified as the Annexure P-9 is addressed to one Dharamchand Parekh and here the petition has been filed by Sanat Kumar Tomar, therefore the locus of the petitioner how he is aggrieved is not clear. Besides that when the petitioner was asked whether he is willing to deposit Rs.15 lakhs to stay the auction no answer was given as there was a dormant refusal. Since the alternate remedy is available to the petitioner to file an appeal under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995, I am not inclined to entertain this petition.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE