

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2517 of 2021**

- Smt. Urmila Sahu W/o Jagdambika Sahu Aged About 35 Years R/o Sarpanch Of Gram Panchayat Loop Tehsil Bodla District Kawardha Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Panchayat Raipur District Raipur Chhattisgarh
2. Collector Kardha District Kabirdham Chhattisgarh
3. Sub Divisional Officer Revenue And Prescribed Officer Bodla District Kabirdham Chhattisgarh.
4. Chief Executive Officer District Panchayat Kabirdham Chhattisgarh.
5. Deputy Director Panchayat District Kabirdham Chhattisgarh.

---- Respondents

For Petitioner : Shri Awadh Tripathi, Advocate

For Respondents/State : Shri Amrito Das, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****28/06/2021**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner is an elected Sarpanch and she was served with a notice on 31.05.2021 as per order-sheet Annexure P-6. He would further submit that the petitioner thereafter filed reply on 07.06.2021 and the removal order was passed on 11.06.2021. He would further submit that the enquiry in the case of like nature is must and without giving any opportunity of hearing, the petitioner could not be removed. He

would further submit that the documents as have been stated in the order-sheet dated 31.05.2021 could not be supplied because the same were in the possession of other person.

3. Per contra learned State counsel opposes the argument and would submit that the statutory alternative remedy under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 (for short 'the Rules, 1995') is available to the petitioner to file an appeal.
4. Perusal of the order-sheet would show that after filing of the order-sheet the reply was considered and on 11.06.2021 the orders have been passed. Since the orders have have been passed by the SDO, it would be appealable under Rule 3 (a) of the Rules, 1995. Therefore, since the alternative appellate remedy is available, the petitioner may avail the same. Further order-sheet dated 11.06.2021 reflects about the non-compliance of production of certain records. The order-sheet records that the petitioner had not supplied the required documents to the enquiry committee. Whereas the petitioner herein claims that the documents were in possession of some third party. These are disputed question of facts. Therefore, I am not inclined to entertain this petition. It is accordingly dismissed. However, it is observed that if the appeal is filed by the petitioner, the same shall be decided expeditiously.
5. Registry is directed to return the certified copy of the impugned order & certified copy of documents & order-sheet after retaining photocopy of the same.

Sd/-

Goutam Bhaduri
Judge

Ashu