

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****WA No. 195 of 2021****(Arising out of order dated 24-03-2021 passed by the learned Single Judge in WPC No. 1749 of 2021)**

1. 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.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, 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 Appellant - Shri Alok Kumar Pandey, Advocate.
For Respondents/State - Shri Chandresh Shrivastava, Dy. Advocate
General.

Hon'ble Shri Prashant Kumar Mishra, Ag. Chief Justice

Hon'ble Smt Rajani Dubey, J.

Judgment on Board

By

Hon'ble Shri Prashant Kumar Mishra, Ag. Chief Justice.

20-07-2021

1. Heard.
2. The appellant (henceforth 'the petitioner') has preferred the writ petition challenging the orders dated 17-02-2020 and 22-12-2020 (**Annexure P-1 to the writ petition**) passed by the Commissioner, Sarguja Division, Ambikapur.
3. By order dated 17-02-2020, the Divisional Commissioner stayed the order bearing No.4687/Panchayat/2020 dated 20-01-2020 (part of Annexure P-5 to the writ petition), by which the C.E.O. Zila Panchayat, Surajpur directed the C.E.O. Janpad Panchayat, Bhaiyathan, District-Surajpur to take steps against the Sarpanch, Upsarpanch, Panchayat

Secretary, the then Data Entry Operator, Gram Rahvasi and lodge FIR against them for committing severe irregularities. By order dated 22-12-2020, the Divisional Commissioner declined to entertain the application under order 1 Rule 10 of CPC filed by the petitioner.

4. It is argued that the petitioner alongwith other villagers has submitted the complaint against the office bearers of the Panchayat which is pending enquiry before the C.E.O. Zila Panchayat and an order has been passed for lodging the FIR. Thus, the petitioner being interested in the outcome of the complaint he is a proper party and the application under Order 1 Rule 10 of the CPC should have been allowed.
5. Admittedly, proceedings pending before the C.E.O. Zila Panchayat, Surajpur is in the nature of disciplinary proceedings wherein the Panchayat Secretary has been suspended and an order for lodging the FIR has been passed.
6. The writ petition has been dismissed by learned Single Judge, *inter alia*, holding that if the private individuals are allowed to intervene in the matter, it will open floodgate of multiplicity of litigation.
7. Having heard learned counsel for the petitioner, in our considered view, the writ appeal must fail for the reason that nothing remains to be done as direction for lodging the FIR has already been issued. The only proceeding which remains pending before the C.E.O. Zila Panchayat and on that basis before the Divisional Commissioner is the disciplinary proceedings initiated against the Panchayat Secretary.
8. In the proceedings before the authorities under the Chhattisgarh Panchayat Raj Adhiniyam, 1993, the provisions of the CPC has no application, therefore, at the threshold the application preferred by the petitioner under Order 1 Rule 10 CPC is not maintainable. In the disciplinary proceedings initiated against the Panchayat Secretary, a third party, who is not a Government Servant has no locus standi. Similarly in the proceedings where the C.E.O. of Zila Panchayat has directed for lodging of FIR, the applicant may be a witness, but he would not be a party to the proceedings.

9. In the above view of the matter, the learned Single Judge has not committed any error of jurisdiction by dismissing the writ petition. There is no scope for interference in this intra Court appeal for interfering with the order passed by the learned Single Judge.

10. The writ appeal has no substance, it fails and is hereby dismissed.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Rajani Dubey)
Judge

Amardeep