

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3709 of 2021**

- Chandra Prakash Joshi S/o Jagdish Prasad Joshi Aged About 42 Years Ex-Sarpanch, Gram Panchayat Birgahni(B), R/o Village Birgahani, (Baloda) Police Station- Baloda Tahsil Baloda, District Janjgir- Champa (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Panchayat And Rural Development, Mantralaya Mahanadi Bhawan, Police Station And Post- Rakhi, Atal Nagar, New Raipur, District- Raipur (C.G.)
2. The Deputy Director Panchayat, District- Janjgir-Champa (C.G.)
3. The Chief Executive Officer Janpad Panchayat, Baloda, District Janjgir-Champa (C.G.)
4. Shantanu Kumar Sande S/o Late Shri Mohitram Sande Aged About 36 Years Presently Working As Sarpanch In Gram Panchayat Birgahani (B) R/o Village Birgahani, (Baloda) Police Station - Baloda, Tahsil Baloda, District Janjgir-Champa (C.G.)

---- Respondents

For Petitioner : Shri Ajay Kumar Chandra, Advocate

For Respondents/State : Shri Ravi Bhagat, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****14/09/2021**

1. Challenge in this petition is to the order dated 28.07.2021 & 30.07.2021 whereby the recovery notice has been issued to the petitioner for the reason that certain toilets though were said to have been constructed but part of it has not been done.
2. Learned counsel for the petitioner submits that the toilets were constructed

which would be evident from the completion certificate and after initial verification payments were made and after one year the notice has been issued which is required to be set aside.

3. Reading of Annexure P-1, would show a preliminarily enquiry was conducted and show cause notice has been issued, therefore the petitioner can very well appear before the respective authority and place their grievance, even otherwise the nature of construction which are toilets are non perishable commodity, the existence of toilets can be very well physically examined. Therefore, at this stage, only on the submission of the petitioner that the petitioner has constructed the toilets which are supported by the certificate cannot be accepted as gospel truth. No case is made out for interference.
4. In view of this, the petition sans merit is liable to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu