

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3701 of 2021

- Bhagwat Prasad Miri S/o Dhaniram Aged About 65 Years Ex- Sarpanch, Gram Panchayat Baksara, R/o Village Baksara, (Baloda) Police Station- Baloda, Tahsil Baloda, District Janjgir- Champa (C.G.), District : Janjgir- Champa, Chhattisgarh

---- 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. Saurabh Singh Presently Working As Member Of Legislative Assembly (MLA) Akaltara, District Janjgir-Champa (C.G.)

---- Respondents

For Petitioner : Shri Ajay Kumar Chandra, Advocate.

For State/Respondents : Shri Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.09.2021

Heard.

1. The challenge is this petition is to the show cause notice dated 24.03.2021 and 29.07.2021 Annexure P-1) wherein certain recovery has been sought for non completion of the toilets for which money was earlier paid on the ground that toilets are fully completed and functional.
2. Learned counsel for the petitioner would submit that the petitioner who is a Ex-Sarpanch of Gram Panchayat Baksara constructed toilets under *Swachh Bharat Mission* and completion of the toilets would be evident from completion certificate (Annexure P-4) wherein it is stated that 322 toilets

were completed. It is further stated that after 1 year an enquiry was opened and during preliminary enquiry when physical verification was done, petitioner was not given any notice and on that basis the show cause notice which has been served to the petitioner is liable to be set aside.

3. Reading of Annexure P-1, would show a preliminary 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