

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4264 of 2021

Mohanmati Sahu D/o Late Babulal Sahu Aged About 32 Years R/o Jarve, Janpad Panchayat Sakti, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya Naya Raipur, District Raipur Chhattisgarh.
2. Sub Divisional Officer , (R) Sakti, District Janjgir Champa Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat Sakti, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner	: Shri Parag Kotecha, Advocate
For the Respondent/ State	: Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.10.2021

Heard on petition.

1. It is submitted by counsel for the petitioners that the present petition has been brought against the order of the Sub-Divisional Officer, Revenue, Sakti dated 11.10.2021, by which the petitioner has been proceeded *ex parte* on the proceeding initiated under the Chhattisgarh Panchayat Raj Adhiniyam, 1993.
2. It is submitted by counsel for the petitioner that the petitioner has received a notice on 25.8.2021 asking her to submit a reply. The copy of the notice mentions that Enquiry report has also been attached with the notice, which mentions the annexures of enquiry report running from page No.1 to page No.433. The petitioner filed an application praying to provide a copy of the enquiry report, which has not been provided. On the contrary, the Sub-Divisional Officer, Revenue has proceeded

ex parte against her. Hence, it is prayed that an appropriate direction be issued to the respondents.

3. Learned State counsel opposes the submissions and submits that the petitioner has been given proper opportunity for submitting the reply to the proceeding. No error has been committed by passing the impugned order to take up the case *ex parte* against her.
4. Considered on the submissions. As it appears to be clear that the copy of the enquiry report running from page 1 to page 433 has not been supplied to the petitioner and the copy of the order-sheets do not mention regarding any reason for non-supply of the documents as mentioned herein-above, therefore, I feel inclined to dispose of this petition at motion stage and the order impugned dated 11.10.2021 is set aside. Respondent No.2 is directed to give an opportunity to participate in the proceeding against her and he is also directed to provide the copy of the enquiry report as mentioned in the notice given to the petitioner under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, before the filing of reply by the petitioner in the proceeding.
5. Accordingly, the present petition is disposed of at motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge