

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP(C) No. 4426 of 2021**

Rampratap Manhare S/o Shri Jethuram Manhare, Aged About 41 Years  
R/o Village Goda, Tahsil Palari, District Balodabazar-Bhathapara  
Chhattisgarh. (Complainant)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rule Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. The Collector, Balodabazar-Bhathapara, District Balodabazar-Bhathapara, Chhattisgarh.
3. The Sub-Divisional Officer (Revenue) Balodabazar, District Balodabazar, Bhathapara, Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Palari, District Balodaazar Bhathapara, Chhattisgarh.
5. Smt. Kaushilya Diamond Sahu W/o Diamond Sahu Aged About 33 Years R/o Village Goda, Tahsil Palari, District Balodabazar-Bhathapara Chhattisgarh.

(At present as a working as Sarpanch of Gram Panchayat Goda, Janpad Panchayat Palari)

**---- Respondents**

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|---------------------------------|------------------------------------------------------------|
| For Petitioner                  | : Shri Ram Narayan Sahu and Shri Punit Ruparel, Advocates. |
| For respondents No.1 to 4/State | : Ms. Shreya Mishra, P.L.                                  |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**08.11.2021**

Heard on petition.

1. It is submitted by counsel for the petitioner that respondent No.5 – Smt. Kaushilya Diamond Sahu is an elected Sarpanch of Gram Panchayat, Goda. Respondent No.5 started a construction on government land by encroaching upon it, hence, investments have been made in the Panchayat funds. The petitioner filed a complaint before respondent No.3 – Sub-Divisional Officer vide Annexure-P/1. By direction of respondent No.3, an enquiry was made and enquiry report was

submitted vide Annexure-P/2 showing the irregularities committed by respondent No.5. Respondent No.3 after taking opinion from respondent No.4 has initiated the proceeding under Section 40 of the Panchayat Raj Adhiniyam, 1993 against respondent No.5. This proceeding was initiated on 26.3.2021, the same is pending without any progress and no efforts are being made by respondent No.3 to conclude the proceeding within a time-frame, therefore, it is prayed that an appropriate direction be issued and in the meanwhile, financial powers of respondent No.5 may be seized.

2. Learned State counsel appearing for respondents No.1 to 4 submits that the proceedings under Section 40 of the Act, 1993 once initiated has to be completed within a period of 90 days, therefore, an appropriate direction be issued regarding the same.
3. Considered on the submissions. On the basis of the complaint made by the petitioner, the enquiry has been made and the proceeding under Section 40 of the Act, 1993 has been initiated by respondent No.3. After perusal of the order-sheets which have been filed as Annexure-P/7, it is found that no efforts are being made to secure the appearance of respondent No.5 so far and therefore, it appears that issuance of a direction is required, the petition is disposed of at the motion stage.
4. Respondent No.3 is directed to take up the initiated proceeding under Section 40 of the Act, 1993 and conclude the same preferably within a period of 60 days from today. The petitioner is also granted liberty to file an application before respondent No.3 praying to seize the financial powers of respondent No.5. If any such application is filed, in that case,

respondent No.3 is directed to consider on the same and pass the appropriate orders.

5. Accordingly, the present petition is disposed of.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

Nimmi