

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4495 of 2021

1. Pramod Kumar Gabel, Member Of Janpad Panchayat, Area No. 05, Malkharoda, S/o Lt. Bhisham Prasad Gabel, Aged About 48 Years, Presently R/o Sakin, Malkharoda, Tehsil - Malkharoda, District - Janjgir - Champa Chhattisgarh,
2. Judawan Lal Gabel, S/o Mahettar Lal Gabel, Aged About 43 Years R/o Village - Bundeli, Tehsil - Malkharoda, District - Janjgir - Champa Chhattisgarh,

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Panchayat Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh,
2. The Collector, Janjgir - Champa, District - Janjgir - Champa Chhattisgarh.
3. Jila Panchayat Janjgir Champa, Through Its Chief Executive Officer, District - Janjgir - Champa, Office Of Jila Panchayat, Tehsil - Janjgir - District - Janjgir - Champa Chhattisgarh
4. Janpad Panchayat Malkharoda Through Its Chief Executive Officer, District - Janjgir - Champa Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Juhi Jaiswal, Advocate
For State	:	Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10.11.2021

1. Heard.
2. It is submitted by the learned counsel for the petitioners that the impugned order dated 08.10.2021 passed by the respondent No. 2 is illegal and arbitrary. The order sheets of the proceeding in the revision case No. 202107060100004/A-89(15)/2020-21 clearly shows that the oral arguments were submitted by the counsel for the petitioner on 08.10.2021. The petitioner was granted liberty to file written argument on 11.10.2021 and the case was fixed for 18.10.2021. But behind the back of the petitioner, the final order was passed in the revision case by the respondent No. 2 on the same date i.e. on

08.10.2021. The petitioner filed a written argument within the time granted on 12.10.2021 and he came to know that the final order has already been passed. Therefore, the act of the respondent No. 2 is totally arbitrary and illegal in which the proper opportunity of hearing which was granted to the petitioner was unilaterally withdrawn. Hence, the impugned order is unsustainable.

3. Learned State counsel opposes the submission and submits that the order sheet dated 08.10.2021 clearly shows that the oral arguments on behalf of the petitioner were submitted. Therefore, the impugned order is sustainable.
4. Considered on the submissions. On perusing the certified copy of the order sheets which has been filed along with the petition, it is very clearly mentioned in the order sheet of 08.10.2021 that the petitioner was granted liberty to file written argument and the case was posted for orders on 18.10.2021. Despite this order, the respondent No. 2 proceeded to pass the final order on the same date which clearly appears to be arbitrary and averment of the petitioner that the proper opportunity of hearing was not given to him cannot be ignored. Hence on this basis, this petition is disposed off at the motion stage. The impugned order dated 08.10.2021 is hereby set-aside. The case is remanded to the respondent No. 2 with direction to decide the revision petition afresh by taking into consideration that the written arguments filed by the petitioner. The decision on the revision petition may be made within a period of 15 days from today.

Sd/-
(**Rajendra Chandra Singh Samant**)
Judge