CGHC010001842012 2026:CGHC:45175

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 709 of 2012

Chief Executive Officer Aged About 18 Years Bilaspur

--- **Petitioner(s)**

versus

1. State Of Chhattisgarh And Ors. S/o Through Secretary, Deptt Of Panchayat And Rural Development, Dks Bhawan, Mantralaya, Raipur, Cg, Chhattisgarh

2. Commissioner Bastar Division, Jagdalpur, Cg, District : Bastar(Jagdalpur), Chhattisgarh

3. Nanakram Sahu S/o Jodhanram Sahu R/o Vill And Post Khamaria, Tah Nagri, Distt Dhamtari, Cg, District : Dhamtari, Chhattisgarh

--- **Respondent(s)**

(Cause title is taken from Case Information System)

For Petitioner/ C.E.O : Ms. Aarti Tiwari, Advocate

For Respondent/ State : Mr. Vivek Verma, G.A.

For Respondent No. 3 : None despite service of notice

WPS No. 2269 of 2022

Nanakram Sahu S/o Jodhan Ram Sahu Aged About 42 Years R/o Village Jahorabhata, Post Kundel, Tahsil Kurud, Civil And Revenue District Dhamtari Chhattisgarh.

---**Petitioner(s)**

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Gramin Vikas Vibhag Department, Mantralaya Mahanadi Bhawan, Raipur District Raipur Chhattisgarh.

2. Director, Directorate, Panchayat Avam Samaj Kalyan Raipur, District Raipur Chhattisgarh.

3. Collector, North Bastar, Kanker, District North Baster Chhattisgarh.

4. Chief Executive Officer, Zila Panchayat, North Bastar, Kanker, District North Baster Chhattisgarh.

--- **Respondent(s)**

(Cause title is taken from Case Information System)

For Petitioner	: None
For Respondent/ State	: Mr. Vivek Verma, G.A.
For Respondent No. 4/ C.E.O	: Mr. Utkarsh Soni appearing on behalf of Mr. Ashish Tiwari, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

26/10/2026

WP227 No. 709/2022

1. Learned counsel appearing for the petitioner/ C.E.O. and learned counsel appearing for the State/ respondents No. 1 & 2 submit that the issue involved in this petition has already been considered and decided by this court in WP227 No. 714/ 2012 and this petition may be disposed off in terms of the order passed on 17.10.2012 in WP227 No. 714/2012.

2. In WP227 No. 714/2012 this court has passed the following order:-

> "1. Learned counsel appearing for the petitioner submits that the petitioner being aggrieved by the order dated 27-7-2010 passed by the Additional Commissioner, Baster Division, Jagdalpur, in case No.95/B-121/2009-10 preferred an appeal before the Principal Secretary to the Government of Chhattisgarh, Department of Pachayat & Rural Development. The said authority without considering the facts on merits dismissed the appeal by order dated 28-4-2011 holding that under the provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 read with Rules 3 & 5

of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 (for short "the Rules, 1995"), revision is maintainable.

2. Learned counsel further submits that thereafter, the petitioner, realizing the mistake, preferred a fresh revision being revision case No.320/Nyaya. Panch/2011-12. The Secretary without considering the facts on merits dismissed the revision on 29-2-2012 on the ground that since the appeal, has been dismissed earlier this amounts to second revision.

3. Learned counsel next submits that in fact, the petitioner wanted to file a revision, but erroneously it was marked as second appeal. The revisional authority ought to have converted the second appeal into revision and decided the same on its own merits. Since the appeal was dismissed on the ground of maintainability, the petitioner is entitled to prefer a revision under the provisions of Rule 5 of the Rules, 1995.

4. On the other hand, learned counsel appearing for the State submits that once the second appeal has been filed, the revision is not at all maintainable and, we such, the Impugned order is just & proper.

5. Be that as it may, it is well settled principle of law that if the appeal has not been dismissed on merits, but on the maintainability that may not be treated as dismissal of appeal on merits and secondly there is no revision

against the said appeal, but the revision has been filed by the petitioner against the order dated 27-7-2010, which was, never decided on merits. There is no bar in preferring the revision, if the appeal filed earlier was not maintainable and the same was dismissed on the ground of lack of jurisdiction.

6. In view of the above, the order dated 29-2-2012 is hereby quashed and the matter is remitted back to the Secretary to the Government of Chhattisgarh, Department of Panchayat & Rural Development with a direction to consider and decide the revision application, preferred by the petitioner herein, pass an appropriate order in accordance with law and on its own merits.

7. With the aforesaid observations and directions, the writ, petition is disposed of."

8. In view of the aforesaid submission made by the parties and considering the facts that the identical issue has already been considered and decided by this court on 17.10.2012 in WP227 No. 714/2012, the order impugned dated 29.02.2012 is hereby quashed. The matter is remitted back to the Secretary to the Government of Chhattisgarh, Department of Panchayat & Rural Development with a direction to consider and decide the revision application, preferred by the petitioner herein, pass an appropriate order in accordance with law and on its own merits.

9. Accordingly, WP227 No. 709/2012 stands **disposed off.**

WPS No. 2269/2012

10. Despite repeated calls neither the petitioner appeared nor any representation is made.

11. During the course of hearing the connected matter, it is apparent that if WP227 No. 709/2012 will be decided then nothing survives in the present petition for adjudication.

12. Accordingly, WPS No. 2269/2022 also stands disposed off. However, liberty is reserved in favour of the petitioner to move suitable application for its restoration, if any cause of action still survives.

Sd/-

(BIBHU DATTA GURU)
JUDGE

Jyoti