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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on : 15.09.2026

Order Delivered on : 14.10.2026

WPC No. 3632 of 2026

Damodar Prasad Dubey S/o Shri Chhotai Prasad Dubey Aged About 68 Years R/o Ward No. 14, Hatri Chowk, Bilaigarh, District Sarangarh Bilaigarh Chhattisgarh

... Petitioner

versus

1 - The State of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh

2 - The Director Directorate of Urban Administration And Development, Indrawati Bhawan, Naya Raipur, Atal Nagar District Raipur, Chhattisgarh

3 - The Collector Sarangarh-Bilaigarh, District Sarangarh-Bilaigarh Chhattisgarh

4 - The Sub Divisional Officer (Revenue) Bilaigarh, District Sarangarh-Bilaigarh Chhattisgarh

5 - The Nagar Panchayat Bilaigarh Through The Chief Municipal Officer, Bilaigarh, District Sarangarh-Bilaigarh Chhattisgarh

6 - Sushri Radha Rakesh (Mandal Adhyaksh, B J P) D/o Shri Aaju Ram R/o Ward No. 03, Nagar Panchayat Bilaigarh, District Sarangarh-Bilaigarh Chhattisgarh

--- **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Vivek Tankha, Senior Advocate assisted by Mr. Sandeep Dubey and Mr. Manas Bajpai, Advocate
For State	:	Mr. Vivek Verma, Government Advocate assisted by Mr. Dharmesh Shrivastava, Deputy Govt. Advocate
For Respondent No.6	:	Mr. Manoj Paranjpe, Senior Advocate assisted by Mr. Sunil Sahu, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

1. By filing the present petition, the petitioner has called in question the legality, validity and propriety of the order dated 04.07.2026 passed by the State Government under Section 41-A of the Chhattisgarh Municipalities Act, 1961 (for brevity, “Act of 1961”), whereby the petitioner has been removed from the elected office of President, Nagar Panchayat, Bilaigarh, District Sarangarh-Bilaigarh, and has further been disqualified from holding the said office for the next term. The petitioner has also questioned the manner in which the aforesaid proceedings were conducted and the consequential order of removal and disqualification passed against him. The petitioner has sought for following reliefs:-

> “*10.1. That, the Hon'ble Court may kindly be pleased to call for the record of the case.*
>
> *10.2. That, the Hon'ble Court may kindly be pleased to set aside the impugned order dated*

04/07/2026 (ANNEXURE P/1) for being illegal, arbitrary and contrary to law.

10.3. That, the Hon'ble Court may kindly be pleased to direct the respondents to allow the petitioner to complete his tenure as President of the Nagar Panchayat Bilaigarh without any illegal interruption.

10.4. That, the Hon'ble Court may kindly be pleased to set aside the impugned order dated 24/04/2026 (ANNEXURE P/12) for being illegal, arbitrary and contrary to law.

10.5. That, the Hon'ble Court may kindly be pleased to grant any other relief/s, which this Hon'ble Court may deem fit in the present fact and circumstances of the case including the cost of the petition."

2. Brief facts of the case, in a nutshell, are that the petitioner participated in the Municipal Election held in February, 2025 for the post of President, Nagar Panchayat, Bilaigarh, District Sarangarh-Bilaigarh. The petitioner submitted his nomination form along with the requisite affidavit, disclosing the information required under the applicable election law. His nomination was accepted by the Returning Officer and he contested the election as an independent candidate. In the said election, three candidates contested for the post of President, namely, the petitioner as an independent candidate, Ram Narayan Dewangan as the BJP candidate and Chandrashekhar Bhatt as the Congress candidate. The petitioner was ultimately declared elected as

President of Nagar Panchayat, Bilaigarh and an election certificate was accordingly issued in his favour. It is the specific case of the petitioner that his election was never called in question by any candidate or voter by filing an election petition under Section 20 of the Act of 1961, within the prescribed period.

3. The controversy, however, commenced during the “Sushasan Tihar 2025”, when an online complaint was submitted by one Raju Sharma before the Department of Urban Administration, alleging, inter alia, that the petitioner and his wife Smt. Parvati Dubey had sold their ownership lands by undertaking illegal plotting without obtaining requisite permission under the Chhattisgarh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules, 1998. On the basis of the said complaint, the Chief Municipal Officer, Nagar Panchayat, Bilaigarh issued a notice dated 17.04.2025 to the petitioner, calling upon him to submit the relevant documents concerning the alleged sale of land through plotting and indicating that, in the event of failure to do so, action may be taken under Section 339(C) of the Act of 1961. In response thereto, the petitioner submitted a detailed reply, denying the allegations and explaining that the lands in question had been sold by his wife Smt. Parvati Dubey, who was the landowner, through registered sale deeds from the year 2013 to 2024, on account of family requirements and financial necessities. It was further stated that the transactions were individual sale transactions and not transactions involving illegal plotting. The

petitioner also pointed out that, in respect of certain lands, houses had been constructed by beneficiaries under the Pradhan Mantri Awas Yojana with the permission of the Nagar Panchayat. According to the petitioner, all such transactions had taken place much prior to his election as President of the Nagar Panchayat.

4. It is further pleaded that, after considering the reply submitted by the petitioner, the complaint was disposed of and its status was reflected as “disposed of”. According to the petitioner, notwithstanding such disposal, the matter was subsequently revived and the State Government addressed a communication to the Collector seeking comments along with an inquiry report regarding the allegations relating to the sale of land. The said communication was not supplied to the petitioner. Thereafter, the Additional Collector issued a notice dated 27.08.2025 requiring the petitioner to appear and submit his response concerning the alleged illegal plotting and the earlier communication of the Chief Municipal Officer. The petitioner submitted his detailed reply on 29.08.2025, wherein he reiterated that the sale transactions relied upon by the authorities had taken place between 2013 and 2024, i.e. prior to his assuming the office of President. He further alleged that reports had been prepared by the Chief Municipal Officer, Tahsildar and Sub-Divisional Officer (Revenue) behind his back and without affording him an effective opportunity to place the relevant records before the authorities. The petitioner also requested that the inquiry be closed, particularly in view of the

earlier complaint having already been disposed of.

5. Thereafter, on the basis of the report prepared by the Chief Municipal Officer, the Sub-Divisional Officer (Revenue), Bilaigarh registered a revenue case on 03.09.2025 and called for a report from the Tahsildar. The Tahsildar submitted the requisite report containing details of the lands and the dates of their respective sale transactions. According to the petitioner, the said report itself disclosed that the lands had been sold during the period from 2013 to 2024 and, therefore, prior to the petitioner's election as President in February, 2025. The Sub-Divisional Officer (Revenue) also submitted a report dated 19.09.2025 to the Additional Collector-cum-Sub-District Election Officer concerning the sale of the lands and the alleged loss caused to the Government. The petitioner alleges that the said report was subsequently changed/amended and, despite his application under the Right to Information Act seeking the relevant records, the amended report was not supplied to him. According to the petitioner, the principal allegation emerging from the said report was not any misconduct committed by him during his tenure as President, but an alleged suppression of facts in the nomination papers relating to the land transactions undertaken by him or his wife Smt. Parvati Dubey prior to the election.

6. In the meantime, the Chief Muncipal Officer, Nagar Panchayat Bilaigarh, District Sarangarh-Bilaigarh (C.G.) has initiated

proceedings against the petitioner under Section 339(C) of the Act of 1961 and passed an order dated 24.04.2026 imposing penalty upon him. Thereafter, the Deputy Secretary and Under Secretary of the State Government issued notices dated 23.04.2026 and 19.05.2026 requiring the petitioner to appear for personal hearing in connection with the proceedings under Section 41-A of the Act of 1961. The petitioner had also submitted his reply dated 12.01.2026 and subsequently appeared before the concerned authority and made his oral submissions. The petitioner, however, contends that the notices did not furnish the necessary particulars of the proposed action and did not disclose the specific material or grounds on the basis of which his removal from the office of President was proposed. It is further his case that the relevant complaint, inquiry reports and other documents relied upon by the authorities were not supplied to him, despite the same forming the foundation of the proceedings. According to the petitioner, mere recording of an oral statement, without supplying the material relied upon by the State Government, did not constitute a reasonable opportunity of hearing as contemplated under Section 41-A of the Act of 1961.

7. The petitioner has further pleaded that the core allegation against him relates to the alleged suppression of information at the time of filing his nomination form, particularly in relation to the sale of lands by him or his wife Smt. Parvati Dubey prior to the election. According to the petitioner, even assuming, without admitting, that

any information was required to be disclosed in the nomination papers and was not disclosed, such an allegation pertains to the election or nomination process and could have been examined only in an election petition under Section 20 of the Act of 1961. It is contended that the statute specifically provides a mechanism for calling an election or nomination into question and prescribes the forum, grounds and limitation for such challenge. Since the petitioner's election was never challenged by any candidate or voter in accordance with the statutory procedure, the State Government could not, according to the petitioner, indirectly reopen or invalidate the election by invoking Section 41-A of the Act of 1961.

8. The petitioner has accordingly challenged the impugned order dated 04.07.2026, whereby the State Government, purportedly exercising power under Section 41-A of the Act of 1961, removed him from the office of President, Nagar Panchayat, Bilaigarh and further disqualified him from holding the said office for the next term. The principal grounds urged are that the impugned action has been taken in respect of alleged acts preceding the petitioner's election; that the statutory mechanism under Section 20 of the Act of 1961 has been bypassed; that the material relied upon by the authorities, including the complaint and inquiry reports, was not supplied to the petitioner; and that no effective and reasonable opportunity of hearing was afforded to him before passing the order of removal and disqualification.

9. Mr. Vivek Tankha, learned Senior Counsel, assisted by Mr. Sandeep Dubey and Mr. Manas Bajpai, learned counsel for the petitioner, would submit that the impugned order dated 04.07.2026 passed by the State Government under Section 41-A of the Act of 1961, whereby the petitioner has been removed from the elected office of President, Nagar Panchayat, Bilaigarh and has further been disqualified from holding such office for the next term, is ex facie without jurisdiction, contrary to the statutory scheme and vitiated by violation of the principles of natural justice. It is submitted that the petitioner was duly elected as President on 15.02.2025 and assumed charge on 07.03.2025. However, the allegations which ultimately formed the foundation of the impugned order relate substantially to acts allegedly committed prior to the petitioner's election and assumption of office. According to learned Senior Counsel, Section 41-A of the Act of 1961 is intended to regulate the conduct of an elected office-bearer during his continuance in office and cannot be utilised as a substitute for an election petition for questioning the validity of the election or the conduct of a candidate during the election process.

10. Learned Senior Counsel would further submit that the principal allegation against the petitioner, as emerging from the reports relied upon by the respondents, is that the petitioner and/or his wife Smt. Parvati Dubey had sold certain parcels of privately owned land between the years 2013 and 2024 and that the petitioner allegedly failed to disclose the same while submitting his

nomination papers. It is contended that the entire factual foundation of the allegation is therefore anterior to the petitioner's election dated 15.02.2025. The petitioner had not been holding the office of President during the relevant period and, consequently, such alleged conduct could not constitute misconduct committed in the capacity of President so as to attract Section 41-A of the Act of 1961. Learned Senior Counsel would submit that even assuming, without admitting, that there was any suppression of a material fact in the nomination affidavit or any corrupt practice during the election, the statute provides a specific and complete mechanism for challenging an election under Section 20 read with Section 22 of the Act of 1961. The jurisdiction conferred under Section 41-A of the Act of 1961 cannot be enlarged so as to permit the State Government to indirectly annul or unsettle an election through an executive order.

11. In support of the aforesaid submission, learned Senior Counsel would place reliance upon the judgment of the High Court of ***Madhya Pradesh in Sitabai Kataria v. State of M.P. and Others, 2001 (3) MPLJ 156***, wherein the interplay between Sections 20, 22 and 41-A of the Act of 1961 and Article 243ZG of the Constitution of India was considered. It is submitted that the Court therein categorically held that Section 41-A of the Act of 1961 can be invoked for removal of a person from office after he is duly elected, where his conduct in office is found prejudicial to public interest or the interest of the Council, but the provision cannot be

pressed into service for calling in question the election itself. Learned Senior Counsel would submit that the said principle squarely applies to the present case, since the principal allegations relied upon by the State Government concern the petitioner's alleged conduct prior to the election. It is therefore argued that permitting Section 41-A of the Act of 1961 to be invoked in such circumstances would render the specific election remedy under Section 20 of the Act of 1961 otiose and would also circumvent the constitutional scheme contained in Article 243ZG of the Constitution of India.

12. Learned Senior Counsel would next submit that the respondents have themselves placed on record material demonstrating that the allegations relating to sale of land substantially concern transactions which had already taken place before the petitioner was elected. In particular, one of the transactions relied upon by the respondents relates to the sale of land belonging to the petitioner's wife, Smt. Parvati Dubey, by a registered sale deed dated 14.02.2025, i.e., one day before the petitioner was declared elected on 15.02.2025. It is contended that the property belonged to the petitioner's wife Smt. Parvati Dubey in her individual capacity and the State Government could not, merely because the petitioner subsequently came to hold the office of President, attribute the sale of her privately owned property to the petitioner or treat the same as an act committed by him while holding office. According to learned Senior Counsel, the distinction between the

petitioner's personal status, the independent proprietary rights of his wife and his statutory office as President has not been considered at all by the authority while passing the impugned order.

13. It is further submitted that the entire decision-making process is vitiated by non-supply of material documents relied upon by the State Government. Learned Senior Counsel would submit that the petitioner was never supplied copies of the original complaints, including the complaint stated to have been made by Raju Sharma, the subsequent complaint attributed to respondent No.6, the inquiry reports prepared by the CMO, Collector, SDO(R) and Tahsildar, the report dated 19.09.2025 submitted by the SDO(R), the alleged report dated 17.07.2025, the report dated 31.10.2025, the final report stated to have been forwarded by the Director on 12.12.2025 and other documents which formed the basis of the decision. The petitioner was consequently denied an effective opportunity to meet the allegations. Learned Senior Counsel would particularly draw attention to the categorical stand taken by the State Government itself in its return that merely because copies of all inquiry reports were not supplied, the proceedings would not stand vitiated, since according to the State the petitioner was aware of the allegations. It is submitted that such stand itself demonstrates that the respondents admit non-supply of the inquiry material and seek to justify the same on the ground that the petitioner had knowledge of the allegations. According to learned

Senior Counsel, knowledge of an allegation cannot be equated with knowledge of the evidence and material relied upon to establish that allegation.

14. Learned Senior Counsel would further submit that the requirement of reasonable opportunity of hearing incorporated in the proviso to Section 41-A of the Act of 1961 is not an empty formality and necessarily includes an effective opportunity to controvert the material relied upon by the competent authority. Mere issuance of a notice and recording of an oral hearing, without furnishing the documents forming the foundation of the proposed action, cannot constitute compliance with the statutory requirement. It is submitted that the petitioner submitted his detailed reply dated 29.08.2025 and subsequently submitted his reply dated 12.01.2026 before the competent authorities, specifically disputing the allegations and pointing out that the alleged transactions related to the period preceding his election. However, the relevant reports and documents were not supplied to him, nor was his defence meaningfully considered. Learned Senior Counsel would therefore contend that the impugned order suffers from breach of natural justice at the very threshold and cannot be sustained merely on the ground that the petitioner was afforded an opportunity of personal hearing.

15. In this regard, learned Senior Counsel would place reliance upon ***Ravi Yashwant Bhoir v. District Collector, Raigad and Others,***

(2012) 4 SCC 407, and submit that removal of an elected office-bearer on the basis of alleged misconduct is quasi-judicial in nature and principles of natural justice are required to be strictly complied with. It is submitted that the Supreme Court has emphasised that an elected representative cannot be removed except by strictly adhering to the statutory procedure and by providing a fair opportunity of defence. Learned Senior Counsel would also rely upon ***Mahesh Agrawal v. State of Chhattisgarh, W.P.(C) No.1399 of 2018, decided on 12.07.2018, ILR 2020 Chhattisgarh (SN) 29***, as well as ***Santulal Sonkar v. State of Chhattisgarh, W.P.(C) No.63 of 2023, 2024:CGHC:39737, decided on 07.10.2024***, to contend that the material forming the basis of action under Section 41-A of the Act of 1961 has to be made available so that the opportunity of hearing afforded to the elected office-bearer is real, effective and meaningful.

16. Learned Senior Counsel would then submit that the impugned order proceeds upon allegations which were never put to the petitioner in the show-cause notices. In particular, the concluding portion of the impugned order records allegations concerning suppression of the alleged criminal case and failure to place the agenda relating to illegal plotting before the President-in-Council. According to learned Senior Counsel, neither of these allegations, in the form ultimately relied upon by the State Government, was specifically incorporated in the notice so as to enable the petitioner to furnish an effective explanation. It is submitted that an authority

exercising drastic statutory power cannot travel beyond the charges or allegations put to the person concerned and thereafter base the final decision upon entirely new grounds. The defect becomes more serious in the present case because the petitioner was not supplied the inquiry material said to have established such allegations. Thus, the impugned order, according to learned Senior Counsel, is founded partly upon undisclosed material and partly upon grounds on which no effective opportunity of hearing was granted.

17. Learned Senior Counsel would also contend that the State Government has failed to demonstrate the statutory satisfaction contemplated by Section 41-A(1) of the Act of 1961. The provision permits removal only where the competent authority forms the requisite opinion that continuance of the President is not desirable in public interest or in the interest of the Council, or where the President is found incapable of performing his duties or is working against the provisions of the Act or the Rules. It is submitted that the impugned order does not record any specific and legally sustainable finding demonstrating how the alleged pre-election transactions establish any of the statutory conditions contained in Section 41-A(1) of the Act of 1961. The authority has proceeded primarily on allegations concerning nomination, land transactions and alleged suppression of information, without establishing how such allegations constitute misconduct in the discharge of the petitioner's functions as President. Learned Senior Counsel would

therefore submit that the jurisdictional pre-condition for exercise of Section 41-A of the Act of 1961 was itself absent.

18. Learned Senior Counsel would place particular reliance upon ***Sharda Kailash Mittal v. State of M.P., (2010) 2 SCC 319***, wherein the Hon'ble Supreme Court held that removal of a democratically elected President is an extreme step and the power under Section 41-A of the Act of 1961 is to be exercised only for very strong and weighty reasons and not for minor irregularities. It is submitted that the same principle has been reiterated in ***Tarlochan Dev Sharma v. State of Punjab, (2001) 6 SCC 260***, where the Supreme Court observed that an elected office-bearer is entitled to continue for the prescribed term unless removed in accordance with law and that a singular or casual aberration or error of judgment cannot, by itself, constitute the kind of abuse of power warranting removal. Learned Senior Counsel would further rely upon ***Ravi Yashwant Bhoir*** (supra), submitting that removal of an elected representative carries serious civil consequences, affects not only the office-bearer but also the electorate which elected him, and therefore requires a more stringent standard of procedural compliance.

19. Learned Senior Counsel would further submit that the subsequent disqualification imposed upon the petitioner under Section 41-A(2) of the Act of 1961 cannot independently survive when the foundational order of removal under Section 41-A(1) of the Act of

1961 itself is legally unsustainable. Reliance would be placed upon the judgment of the Division Bench of this Court in ***Smt. Soni Ajay Banjare v. State of Chhattisgarh and Others, AIR Online 2026 CHH 36, decided on 05.02.2026***, wherein the statutory scheme under Section 41-A of the Act of 1961 was considered and it was observed that the power of disqualification under sub-section (2) is consequential to the lawful exercise of the power of removal under sub-section (1). According to learned Senior Counsel, where the removal itself is vitiated for want of jurisdiction, non-compliance with statutory safeguards and violation of natural justice, the consequential disqualification for the next term cannot independently be sustained.

20. Learned Senior Counsel would next submit that the impugned action is also contrary to the statutory scheme because the respondents have sought to attribute individual responsibility to the petitioner for matters which, according to the record itself, involved decisions or proceedings of the municipal authorities. In this context, reliance would be placed upon ***Ravi Yashwant Bhoir*** (supra) and the principles reiterated by the Division Bench in ***Smt. Soni Ajay Banjare*** (supra), to contend that individual culpability must be established by a specific finding and cannot be inferred merely from the petitioner's status as President. It is submitted that where the alleged irregularity concerns collective proceedings, permissions, or actions of municipal functionaries, the State Government must identify the specific act, omission, role and

responsibility attributable to the elected office-bearer before visiting him with the extreme consequence of removal. No such specific finding has been recorded in the present case.

21. Learned Senior Counsel would further submit that the petitioner had already faced separate proceedings before the Chief Municipal Officer and an order dated 24.04.2026 was passed against him under Section 339(C) of the Act of 1961, concerning the allegations relating to illegal plotting. According to learned Senior Counsel, while the petitioner does not concede the legality of the said order and has independently challenged the same, the State Government could not mechanically rely upon the same set of allegations once again to impose the extreme consequence of removal under Section 41-A of the Act of 1961 without examining the distinct statutory ingredients and without recording an independent satisfaction as required by law. It is submitted that the existence of an earlier order does not dispense with the mandatory safeguards prescribed under Section 41-A of the Act of 1961, nor can it cure the absence of a proper notice and opportunity in the present proceedings.

22. Learned Senior Counsel would also submit that the procedural requirements under the Chhattisgarh Rules of Business have not been complied with before the impugned order was issued. It is contended that the matter required consideration and approval in accordance with the applicable governmental business rules,

including the requisite approval at the appropriate level, but the record does not disclose compliance with the mandatory procedure. In support of this submission, reliance would be placed upon ***MRF Ltd. v. Manohar Parrikar, (2010) 11 SCC 374***, particularly paragraph 92, wherein the Hon'ble Supreme Court held that the Business Rules framed under Article 166(3) of the Constitution of India are mandatory and must be strictly adhered to and that a governmental decision taken in breach thereof is a nullity in the eye of law. Learned Senior Counsel would submit that where the State Government seeks to exercise an exceptional statutory power resulting in removal of an elected representative, strict compliance with the prescribed governmental decision-making procedure assumes even greater significance.

23. Learned Senior Counsel would lastly submit that the impugned order is a non-speaking and legally unsustainable order inasmuch as it does not disclose a proper consideration of the petitioner's replies and does not record a clear finding on the precise statutory ground under Section 41-A(1) of the Act of 1961 which is said to have been attracted. The authority has merely referred to allegations and reports and thereafter proceeded to the conclusion that the petitioner ought to be removed and disqualified. According to learned Senior Counsel, the State Government was required to demonstrate an objective application of mind to the allegations, the material relied upon, the defence raised by the petitioner and the statutory requirements governing removal of an elected

President. The absence of such consideration, coupled with non-supply of relied-upon documents, introduction of new grounds in the final order, and reliance upon pre-election conduct, renders the entire decision-making process arbitrary and contrary to law.

24. On the strength of the aforesaid submissions and the judgments relied upon, learned Senior Counsel would submit that the impugned order dated 04.07.2026 cannot be sustained either on jurisdictional or procedural grounds. It is contended that the allegations relating to the petitioner's nomination and pre-election land transactions could, if otherwise legally permissible, be examined only in proceedings contemplated under Section 20 of the Act of 1961; the power under Section 41-A of the Act of 1961 cannot be converted into an indirect mechanism for questioning the election. It is further submitted that, in any event, the mandatory requirement of reasonable opportunity of hearing was not fulfilled since the complaints, inquiry reports and other relied-upon documents were not supplied to the petitioner, while certain allegations appearing for the first time in the concluding portion of the impugned order were never made the subject matter of an effective show-cause notice. Consequently, according to learned Senior Counsel, the impugned order dated 04.07.2026 deserves to be quashed and the petitioner is entitled to restoration of the office of President, Nagar Panchayat, Bilaigarh, along with all consequential benefits in accordance with law.

25. On the other hand, Mr. Vivek Verma, learned Government Advocate, assisted by Mr. Dharmesh Shrivastava, learned Deputy Government Advocate, appearing for the State, vehemently opposes the submissions advanced by learned Senior Counsel for the petitioner and submits that the present writ petition is devoid of merit and is liable to be dismissed. Learned counsel submits that the impugned order dated 04.07.2026 has been passed by the competent authority in exercise of the statutory power conferred under Section 41-A of the Act of 1961, after taking into consideration the complaints received against the petitioner, the reports submitted by the competent revenue and municipal authorities, the material collected during the inquiry and the replies submitted by the petitioner. It is submitted that the petitioner was not removed behind his back, as alleged, but was afforded repeated opportunities to explain his conduct. In furtherance of the online complaint No. 25470170900001 received through Sushasan Tihar-2025 concerning illegal plotting and construction of an illegal colony, notice dated 17.04.2025 was issued by the Chief Municipal Officer, Nagar Panchayat, Bilaigarh, referring to the alleged violation of Sections 339(A) and 339(B) of the Act of 1961 and informing the petitioner of the proposed action in accordance with Section 339(C) of the Act of 1961. The petitioner submitted his reply dated 21.04.2025, whereafter, upon the competent authority not being satisfied with the explanation furnished, a further detailed notice dated 28.04.2025 was issued.

Learned counsel submits that these proceedings demonstrate that the petitioner was fully aware of the nature of allegations levelled against him and had sufficient opportunity to place his defence before the authorities.

26. Learned Government Advocate would further submit that the proceedings were thereafter carried forward in accordance with the administrative and statutory mechanism prescribed for dealing with allegations of illegal plotting and construction of an unauthorized colony. Referring to the circular dated 11.07.2025 issued by the Urban Administration and Development Department, learned counsel submits that the State Government had directed the competent authorities to take appropriate action upon being informed of illegal plotting/illegal colony construction. Pursuant thereto, the Chief Municipal Officer submitted a detailed communication dated 17.07.2025 to the Deputy Secretary, Urban Administration and Development Department, seeking action under Section 41-A of the Act of 1961, referring not only to the online complaint received through Sushasan Tihar-2025 but also to the subsequent complaint dated 10.07.2025 submitted by the Mandal Adhyaksha, who is arrayed as private respondent No.6. Thereafter, the Collector, District Sarangarh-Bilaigarh, was directed to conduct an inquiry into the allegations concerning illegal plotting and construction of colony by the petitioner. The Collector called for a report from the Sub-Divisional Officer (Revenue), Bilaigarh, and, upon receipt thereof, forwarded the

inquiry material to the Secretary, Urban Administration and Development Department, on 31.10.2025. Learned counsel submits that the inquiry disclosed that agricultural land measuring approximately 2.459 hectares, equivalent to 24,590 square metres, had been divided into 57 residential plots and dealt with without obtaining the requisite colonizer licence and without obtaining the requisite permission/diversion for change in the nature and use of agricultural land. It is contended that the matter, therefore, was not confined to a solitary transaction or an innocuous irregularity, but disclosed a continuing course of activity extending over several years, which, according to the inquiry material, was inconsistent with the statutory requirements governing colonization and land use.

27. Learned Government Advocate further submits that the petitioner cannot characterize the entire matter as a purely pre-election dispute merely because some of the transactions referred to in the inquiry pre-date his election as President. According to learned counsel, the material considered by the State Government disclosed not merely the factum of sale of land but a larger course of conduct involving illegal plotting, sale of residential plots, alleged violation of the applicable colonizer rules and non-compliance with the provisions relating to diversion of agricultural land. It is submitted that the petitioner, while submitting his nomination affidavit, was required to disclose all material particulars in accordance with law, and the competent authorities

found that material facts concerning such activities had not been properly disclosed. Learned counsel submits that the subsequent assumption of office by the petitioner does not render the antecedent conduct wholly irrelevant where such conduct bears upon the question whether his continuance as an elected President is desirable in public interest or in the interest of the Council. Referring to the language employed in Section 41-A(1) of the Act of 1961, particularly the expression “continuance as such”, learned counsel submits that the statutory power is not confined to a narrow category of acts committed after assumption of office, but empowers the State Government to examine whether the elected office-bearer is fit and desirable to continue in office, including where his antecedent conduct and suppression of material facts have a continuing bearing upon his holding of the office. It is therefore submitted that Sections 20 and 41-A of the Act of 1961 operate in distinct fields and there is no legal impediment to the State Government examining conduct which may also have an election-related dimension, provided the action ultimately taken is referable to the statutory grounds contained in Section 41-A of the Act of 1961.

28. Learned Government Advocate would next submit that the contention regarding violation of the principles of natural justice is wholly misconceived. It is pointed out that the petitioner was issued notices at different stages, submitted replies on various occasions and was afforded opportunities of personal hearing. In

particular, the State Government issued show-cause notice dated 30.12.2025 requiring the petitioner to furnish his written explanation along with supporting documents within the prescribed period and specifically informed him of the consequence of failure to submit his defence. The petitioner also submitted his written reply dated 12.01.2026. Thereafter, notices dated 23.04.2026 and 19.05.2026 were issued and the petitioner was afforded an opportunity of personal hearing, during which he appeared and placed his oral submissions before the competent authority. Learned counsel submits that the petitioner was, throughout, aware of the substance of the allegations concerning illegal plotting, sale of land and alleged suppression of material facts and effectively participated in the proceedings. The mere circumstance that copies of each and every internal inquiry report or inter-departmental communication were not furnished to the petitioner, according to learned counsel, would not by itself invalidate the proceedings, particularly when the substance of the allegations was communicated and adequate opportunity to respond was afforded. It is further submitted that the inquiry reports submitted by the Collector, Sub-Divisional Officer (Revenue), Tahsildar and other competent authorities constituted material considered by the State Government in arriving at its decision, and the petitioner cannot claim that every internal communication generated during the administrative process must necessarily be supplied at every stage. Learned counsel submits that the impugned order was

passed only after considering the entire material and the defence of the petitioner and, therefore, the requirement of reasonable opportunity contemplated under Section 41-A of the Act of 1961 stood duly satisfied. He would also submit that the authorities relied upon by the petitioner, including ***Sitabai Kataria*** (supra), ***Soni Ajay Banjare*** (supra), ***Mahesh Agrawal*** (supra), ***Ravi Yashwant Bhoir*** (supra) and ***Sharda Kailash Mittal*** (supra), do not render the impugned order unsustainable on the facts of the present case. According to learned counsel, those decisions emphasize that the drastic power of removal cannot be exercised for trivial, technical or insignificant irregularities and that the statutory safeguards must be observed; however, the respondents' case is that the present matter involves substantially more than a technical irregularity. The inquiry allegedly disclosed plotting of approximately 2.459 hectares of land into 57 residential plots, without the requisite colonizer licence and without requisite land-use permission, coupled with the allegation of suppression of material facts in the nomination affidavit. Learned counsel submits that such allegations, if established on the basis of the material considered by the competent authority, constitute circumstances which the State Government was entitled to take into consideration while determining whether the petitioner’s continuance as President was desirable in public interest and whether he was working contrary to the provisions of the Act of 1961 and the rules framed thereunder. It is further submitted that

the judgment in ***Tarlochan Dev Sharma*** (supra) does not assist the petitioner, since the respondents do not rely upon a single isolated error but upon what is alleged to be a prolonged course of conduct. Likewise, the principles relating to strict construction of disqualification provisions do not prevent the competent authority from exercising a power expressly conferred by the legislature where the statutory conditions are found to exist. Learned counsel submits that the State Government has recorded its satisfaction on the basis of the material available on record and, therefore, this Court, while exercising jurisdiction under Article 226 of the Constitution of India, ought not to substitute its own assessment for that of the competent statutory authority unless a case of jurisdictional error, patent illegality, perversity or violation of natural justice is made out.

29. Lastly, learned Government Advocate submits that the order dated 24.04.2026 passed by the Chief Municipal Officer under Section 339(C) of the Act of 1961 is a separate statutory proceeding and its existence does not preclude the State Government from independently exercising its jurisdiction under Section 41-A of the Act of 1961. It is submitted that the proceedings under Section 339 (C) of the Act of 1961 concern the consequences arising from the alleged illegal plotting/colonization activity, whereas Section 41-A of the Act of 1961 concerns the question whether an elected President should continue in office in the circumstances specified therein; therefore, the two proceedings operate in different fields

and the petitioner cannot contend that the existence of the former proceedings renders the latter without jurisdiction. Learned counsel further submits that, insofar as the order dated 24.04.2026 is independently challenged, the petitioner has an efficacious statutory remedy available against the said order and, therefore, no interference under Article 226 of the Constitution of India, is warranted on that count as well. With regard to the consequential disqualification imposed under Section 41-A(2) of the Act of 1961, learned counsel submits that the impugned order first records the removal of the petitioner under Section 41-A(1) of the Act of 1961 and thereafter directs disqualification for the next term under Section 41-A(2) of the Act of 1961, and therefore the contention that the disqualification has been imposed independently or without an order of removal is factually incorrect. Learned counsel thus submits that the State Government has exercised its statutory jurisdiction after considering the complaints, inquiry reports, documentary material, replies and personal hearing afforded to the petitioner; that the impugned order is neither arbitrary nor without jurisdiction; and that no ground has been made out warranting interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. The writ petition, therefore, deserves to be dismissed.

30. Mr. Manoj Paranjpe, learned Senior Counsel, assisted by Mr. Sunil Sahu, learned counsel appearing for Respondent No.6, submits that the writ petition is misconceived and is liable to be dismissed,

as the impugned order dated 04.07.2026 has been passed by the competent authority under Section 41-A of the Act of 1961 after following the prescribed procedure and after affording the petitioner reasonable and sufficient opportunity of hearing. Learned Senior Counsel submits that Respondent No.6 had approached the Chief Municipal Officer, Nagar Panchayat, Bilaigarh, by way of complaint dated 11.04.2025, bringing to the notice of the competent authority the alleged illegal plotting and construction of colony by the petitioner and his wife Smt. Parvati Dubey and seeking appropriate action in accordance with law. Pursuant to the said complaint, notice dated 17.04.2025 was issued to the petitioner, to which he submitted his reply, and thereafter a detailed inquiry was conducted by the competent authorities. The matter was examined by the municipal as well as revenue authorities and the relevant inquiry reports were thereafter placed before the State Government. It is, therefore, submitted that the proceedings culminating in the order dated 04.07.2026 were not initiated merely on the basis of an allegation made by Respondent No.6, but followed an independent inquiry by the statutory authorities, upon consideration of the material collected during such inquiry.

31. Learned Senior Counsel would further submit that the petitioner is attempting to give an incorrect colour to the complaint made by Respondent No.6 by alleging that his removal was brought about on account of the political position held by Respondent No.6. It is

submitted that Respondent No.6 merely brought the alleged violations to the notice of the competent authority and thereafter the entire matter was examined by the statutory authorities independently. The allegations contained in the complaint were subjected to inquiry and, according to the reports relied upon by the respondents, were found to have substance. Learned Senior Counsel submits that the allegation of illegal plotting was not confined to a solitary transaction but related to agricultural land measuring approximately 2.459 hectares, which was allegedly divided into 57 residential plots without obtaining the requisite colonizer licence and requisite permission for diversion/change of land use. It is further submitted that the State Government, after considering the inquiry material and the explanation furnished by the petitioner, recorded its satisfaction regarding the desirability of his continuance in office and exercised the power under Section 41-A of the Act of 1961. Therefore, the contention that the impugned order is the result of political influence or merely the complaint of Respondent No.6 is wholly misconceived and contrary to the record.

32. Learned Senior Counsel further submits that the petitioner has also challenged the order dated 24.04.2026 passed by the Chief Municipal Officer imposing a penalty of Rs.3,27,04,740/- for violation of the applicable colonizer provisions, but has not availed the statutory appellate remedy available against the said order before the competent authority. The said order specifically

provides for an appeal before the Collector within the prescribed period. Instead of pursuing the efficacious statutory remedy, the petitioner has challenged the said order along with the order dated 04.07.2026 in the present writ petition under Article 226 of the Constitution of India. Learned Senior Counsel submits that the controversy involves disputed questions concerning the nature of the land transactions, alleged plotting, compliance with the colonizer requirements, diversion of land and the factual findings recorded by the competent authorities, which cannot appropriately be adjudicated in writ jurisdiction when an efficacious statutory remedy is available. It is further submitted that the subsequent issuance of notice dated 08.07.2026 and convening of the meeting of Nagar Panchayat, Bilaigarh, on 20.07.2026 under the chairmanship of the Vice-President demonstrate that the order of removal was duly communicated and acted upon by the municipal authorities. Thus, the petitioner cannot contend that the impugned order has remained merely on paper or that the proceedings initiated pursuant thereto are without consequence.

33. Learned Senior Counsel lastly submits that the contention of the petitioner regarding non-supply of the complaint of Respondent No.6 is also misconceived, inasmuch as the petitioner was issued notice dated 17.04.2025 on the allegations forming the subject matter of the complaint and he submitted his reply thereto. Thereafter, a detailed inquiry was conducted by the competent authorities and the petitioner was afforded further opportunities to

place his defence. Learned Senior Counsel submits that Respondent No.6 had not raised any independent challenge to the petitioner's eligibility to contest the election, nor is the present complaint founded merely upon an allegation concerning his eligibility at the time of election; rather, the complaint brought to the notice of the authorities the alleged violation of the statutory provisions relating to illegal plotting and colonization. The State Government, upon an independent consideration of the material available on record, exercised its jurisdiction under Section 41-A of the Act of 1961. It is, therefore, submitted that no case of violation of natural justice, want of jurisdiction or arbitrariness is made out by the petitioner and, consequently, the writ petition, being devoid of merit and also involving an efficacious alternative statutory remedy in respect of the order dated 24.04.2026, deserves to be dismissed.

34. I have heard learned counsel appearing for the respective parties at length, considered their rival submissions with due circumspection, and have carefully perused the pleadings, documents, inquiry reports and other material available on record. I have also given anxious consideration to the statutory provisions governing the controversy as well as the judicial precedents relied upon by learned counsel for the parties.

35. Before proceeding further with the matter, it would be apposite to notice the relevant statutory provisions governing the controversy

involved in the present case. The principal question which falls for consideration is as to whether the power conferred upon the State Government under Section 41-A of the Act of 1961, could validly be invoked in the facts of the present case, particularly when the allegations substantially relate to the period anterior to the petitioner's election and further concern the alleged suppression of facts in the nomination papers. It is, therefore, necessary to first notice the scheme of Sections 20 and 41-A of the Act of 1961, as also the relevant provisions contained in the Rules of Business of the Executive Government of Chhattisgarh.

36. Section 20 of the Act of 1961 provides for the statutory mechanism for calling an election or nomination into question. The relevant portion of Section 20 reads thus:—

> ***"20. Election petitions.—*** *(1) No election or nomination under this Act shall be called into question except by a petition presented in accordance with the provisions of this section.*
>
> *(2) Such petition may be presented on one or more of the grounds specified in Section 22—*
>
> *(a) by any candidate at such election or nomination; or*
>
> *(b) (i) in the case of an election of a Councillor, by any voter of the ward concerned;*
>
> *(ii) in the case of a nomination of Councillor, by any Councillor;*

(iii) in the case of election of President by any Councilor:

to the District Judge, where such election or nomination is held within the revenue district in which the Court of the District Judge is situate, and in any other case, to the Additional District Judge having the permanent seat of his Court within the revenue district in which such election or nomination is held and if there be more than one such Additional District Judge within the said revenue district to such one of them as the District Judge may specify for the purpose (hereinafter such District Judge or Additional District Judge referred to as Judge).

(3) No petition presented under sub-section (2), shall be admitted unless—

(i) it is presented within thirty days from the date on which the result of such election or nomination was notified in the Gazette; and

(ii) it is accompanied by a Government Treasury receipt showing a deposit of two hundred rupees, in the case of election or nomination to Municipal Councils and one hundred rupees, in the case of election or nomination to Nagar Panchayats.

(4) A petitioner shall join as respondents to his petition—

(a) where the petitioner, in addition to claiming a declaration that the election or

nomination, as the case may be, of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected or nominated, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

(5) An election petition shall—

(a) contain a concise statement of the material facts on which the petitioner relies;

(b) set forth with sufficient particulars, the ground or grounds on which the election or nomination is called in question;

(c) be signed by the petitioner and verified in the manner prescribed in the Code of Civil Procedure, 1908 (V of 1908), for the verification of pleadings."

37. The other provision which assumes significance is Section 41-A of the Act of 1961, which confers power upon the State Government to remove a President, Vice-President or Chairman of a Committee. The provision reads thus:—

"41-A. Removal of President or Chairman of a Committee.—*(1) The State Government may, at any time, remove a President, Vice President or a Chairman of any Committee, if*

his continuance as such is not, in the opinion of the State Government desirable in public interest or in the interest of the Council or if it is found that he is incapable of performing his duties or is working against the provisions of the Act or any rules made thereunder or if it is found that he does not belong to the reserved category for which the seat was reserved.

(2) The State Government may, while ordering the removal under sub-section (1), also order that such President, Vice President or Chairman of any Committee shall be disqualified to hold such post for the next term:

Provided that no such order under this Section shall be passed unless a reasonable opportunity of being heard is given."

38. A plain reading of Section 41-A(1) of the Act of 1961 shows that the power of removal is conditioned upon the existence of one or more of the circumstances specifically contemplated therein, namely, that the continuance of the President is, in the opinion of the State Government, not desirable in public interest or in the interest of the Council; that he is incapable of performing his duties; that he is working against the provisions of the Act of 1961 or the rules made thereunder; or that he does not belong to the reserved category for which the seat was reserved. Sub-section (2) further empowers the State Government, while ordering removal under sub-section (1), to direct consequential

disqualification for holding such post for the next term. Significantly, the proviso appended to Section 41-A of the Act of 1961 mandates that no such order shall be passed unless a reasonable opportunity of being heard is afforded to the concerned office-bearer.

39. Since the impugned order has been passed by the State Government in exercise of the power under Section 41-A of the Act of 1961, the manner in which such statutory power was required to be exercised also assumes significance. In this regard, the Rules of Business of the Executive Government of Chhattisgarh and Directions and Instructions issued thereunder, as amended up to 28.08.2009, are relevant. Part IV of the said Rules contains directions issued under Rule 10 of the Business Rules in regard to co-ordination cases, which provides as under:—

> *"(ccc) Cases relating to removal of Mayor or Speaker of Municipal Corporations under Section 19-B of the Chhattisgarh Municipal Corporation Act, 1956, and cases relating to removal of President of Municipalities under Section 41-A of the Chhattisgarh Municipalities Act, 1961."*

40. The aforesaid statutory and executive provisions, when read together, indicate that the controversy has to be examined from more than one perspective. First, it is necessary to determine whether the allegations relied upon by the State Government constitute circumstances falling within the statutory parameters of

Section 41-A(1) of the Act of 1961 or whether, in substance, they amount to a challenge to the petitioner's election or nomination, for which Section 20 of the Act of 1961 prescribes a specific statutory remedy. Secondly, it is necessary to examine whether the mandatory requirement of reasonable opportunity of hearing incorporated in the proviso to Section 41-A of the Act of 1961 was duly complied with, particularly when the petitioner alleges non-supply of the complaints, inquiry reports and other material relied upon by the authorities. Thirdly, since the impugned order has been passed by the State Government in exercise of the power under Section 41-A of the Act of 1961, it would also be necessary to examine whether the decision-making process complied with the applicable Rules of Business and the directions issued thereunder.

41. It is in the backdrop of the aforesaid statutory framework that the rival submissions advanced by learned counsel for the parties, and the legality of the impugned order dated 04.07.2026, are required to be examined.

42. Having noticed the rival submissions advanced by learned counsel for the parties and the statutory framework governing the controversy, this Court is of the considered view that the principal question is not merely whether the allegations against the petitioner relate, wholly or substantially, to transactions which preceded his election, but whether, notwithstanding the anterior

nature of those transactions, the material emerging therefrom was legally capable of being taken into consideration by the State Government while examining the desirability of the petitioner's continuance in the elected office under Section 41-A of the Act of 1961. The further question is whether, in the facts and circumstances of the present case, the State Government exercised the said statutory power in accordance with the conditions prescribed by Section 41-A of the Act of 1961, after affording the petitioner the reasonable opportunity of hearing mandated by the proviso thereto.

43. At the outset, it is necessary to keep in view the nature of the power conferred by Section 41-A of the Act of 1961. The provision undoubtedly confers a drastic power upon the State Government to curtail the tenure of a democratically elected President before completion of the normal term. Such power, therefore, cannot be treated as an ordinary administrative power capable of being exercised upon mere dissatisfaction or on the basis of an insignificant irregularity. The consequence of removal is not confined to cessation from office; sub-section (2) further enables the State Government, while ordering removal, to disqualify the concerned President from holding such office for the next term. The provision, thus, carries serious civil and democratic consequences.

44. The aforesaid principle stands authoritatively recognised by the

Hon'ble Supreme Court in ***Sharda Kailash Mittal*** (supra), wherein the Supreme Court, while considering the corresponding provision under the M.P. Municipalities Act, 1961, held that the President of a Municipality is a democratically elected office-bearer and that removal from such office is an extreme step which ought to be resorted to only in grave and exceptional circumstances and for strong and weighty reasons. The Supreme Court further emphasised that the power has to be construed strictly having regard to the serious civil consequences flowing from removal and consequential disqualification.

45. Equally, in ***Ravi Yashwant Bhoir*** (supra), the Hon'ble Supreme Court reiterated that removal of an elected representative has serious consequences and that the power of removal has to be exercised in accordance with the statutory scheme and the principles of natural justice. The Court recognised that the office is held pursuant to the mandate of the electorate and, therefore, the procedure prescribed by law assumes particular significance.

46. These authorities, however, do not lay down a proposition that an elected President can never be removed on the basis of conduct or circumstances which originated prior to his election. The question in every case has to be examined with reference to the language of the governing statute, the nature of the allegations, the statutory ground invoked by the competent authority, the material available on record and the decision-making process

adopted by the authority. The safeguards laid down by the Hon'ble Supreme Court cannot be converted into an absolute immunity in favour of an elected office-bearer against every antecedent circumstance having a legitimate bearing upon his continuance in office.

47. In the present case, Section 41-A(1) of the Act of 1961 itself is couched in sufficiently wide terms. It authorises the State Government to remove a President where, in its opinion, his continuance as such is not desirable in public interest or in the interest of the Council, or where he is found incapable of performing his duties, or is working against the provisions of the Act or the rules made thereunder, or does not belong to the reserved category for which the seat was reserved. The expression “continuance as such” is of considerable significance. The statutory enquiry is not confined, in express terms, only to acts physically performed after the date of assumption of office. The statutory consideration is whether, on the basis of the material available before the State Government, the concerned person ought to continue as the elected President.

48. Therefore, the submission of learned Senior Counsel for the petitioner that every fact anterior to the election is wholly beyond the jurisdiction of the State Government under Section 41-A of the Act of 1961 cannot be accepted in such absolute terms. An antecedent fact, by itself, may not constitute an act committed in

the discharge of municipal office; nevertheless, such antecedent conduct may, depending upon its nature and its nexus with the statutory grounds contained in Section 41-A(1) of the Act of 1961, be relevant to the question of continuance in office. What is prohibited is not the consideration of an antecedent fact as such, but the use of Section 41-A of the Act of 1961 as a disguised substitute for an election petition for setting aside an election on a ground which the election law reserves for adjudication in an election petition.

49. The distinction between the two jurisdictions is, therefore, required to be maintained. Section 20 of the Act of 1961 provides a specific statutory remedy for calling an election or nomination into question. If the State Government were to hold that the petitioner's election itself was void and thereby purport to annul the election through an order under Section 41-A of the Act of 1961, such an exercise would plainly travel beyond the statutory field of Section 41-A of the Act of 1961. The election cannot be indirectly annulled by an executive order when the legislature has prescribed a particular forum, procedure, grounds and limitation for challenging the election. The present case, however, stands on a different footing. The impugned order is not an order declaring the election dated 15.02.2025 to be void, nor does it purport to exercise the jurisdiction vested in the District Judge under Section 20 of the Act of 1961. The State Government has not passed any order declaring that the petitioner was never duly elected. Rather, the

impugned order proceeds on the basis of material concerning alleged illegal plotting, sale of land, absence of requisite permissions and alleged suppression of material facts and reaches a conclusion regarding the desirability of the petitioner's continuance in the office of President. The distinction, though fine, is legally material.

50. The reliance placed by the petitioner upon ***Sitabai Kataria*** (supra), therefore, does not advance his case to the extent contended. The principle flowing from the said decision is that Section 41-A of the Act of 1961 cannot be employed as a substitute for an election petition so as to directly call the election into question. That principle is unexceptionable. However, the same does not mean that every fact which existed before the election is rendered irrelevant for all purposes under Section 41-A of the Act of 1961. The statutory enquiry remains whether the circumstances relied upon by the State Government legitimately attract one or more of the grounds enumerated in Section 41-A(1) of the Act of 1961.

51. The distinction is also consistent with the constitutional principle that an election, once completed, is not to be lightly interfered with except through the mechanism prescribed by the election law. The Hon'ble Supreme Court in ***Mohinder Singh Gill & Another v. Chief Election Commissioner, New Delhi & Others, (1978) 1 SCC 405***, recognised the importance of the statutory election mechanism and the principle that grievances relating to the

electoral process are to be dealt with in accordance with the prescribed election law.

52. Applying the aforesaid distinction to the facts of the present case, this Court finds that the State Government has not purported to exercise appellate or election jurisdiction over the decision of the Returning Officer. The fact that the alleged land transactions and alleged suppression of information may have a bearing upon the petitioner's eligibility, conduct or disclosure at the time of election does not, by itself, transform the subsequent Section 41-A of the Act of 1961 proceeding into an election petition. The determinative question is the purpose for which the material has been considered. If the material is considered for deciding whether the petitioner should continue to occupy the office in public interest or in the interest of the Council, the exercise remains within the textual field of Section 41-A of the Act of 1961, subject of course to satisfaction of its statutory requirements.

53. The next and more substantial contention concerns the alleged violation of natural justice. On this aspect also, the Court cannot lose sight of the fact that the petitioner was not confronted with the allegations for the first time by the impugned order dated 04.07.2026. The record reveals a continuing course of proceedings commencing with the notice dated 17.04.2025 issued by the Chief Municipal Officer. The said notice specifically referred to the alleged illegal plotting in respect of the identified Khasra

numbers and called upon the petitioner to produce documents relating to colony development permission, development charges, registration and other connected matters. The petitioner submitted his reply dated 21.04.2025 and categorically denied the allegations.

54. The matter thereafter did not remain confined to the proceedings before the Chief Municipal Officer. The Collector issued notice dated 27.08.2025, pursuant to which the petitioner submitted a detailed reply dated 29.08.2025. The reply itself demonstrates that the petitioner was fully conscious of the allegations concerning sale of land, alleged plotting, the Khasra numbers involved, the role attributed to him and his wife Smt. Parvati Dubey, the allegation concerning illegal colony development and the proposed action under Section 41-A of the Act of 1961. Thereafter, the State Government issued the show-cause notice dated 30.12.2025, which specifically referred to the reports dated 19.09.2025 and 17.10.2025 and set out the allegations that the land had been divided into 57 parcels, that the parcels were sold periodically, that the land was recorded as agricultural land and that requisite permissions had allegedly not been obtained.

55. Most importantly, the petitioner responded to the State Government's notice by a detailed written reply dated 12.01.2026. A perusal of the said reply demonstrates that the petitioner dealt with the allegations in considerable detail. He disputed the

characterisation of the transactions as illegal plotting, relied upon the ownership of his wife, referred to the alleged construction of houses under the Pradhan Mantri Awas Yojana, questioned the inquiry report, disputed the allegations concerning Khasra Nos. 1000/1, 1001, 1004/1, 994/1, 994/3 and 992/1, questioned the alleged complaint, disputed the allegation of suppression in the nomination papers, relied upon the fact that the transactions preceded his election and specifically requested rejection of the inquiry report.

56. Thereafter, the State Government did not proceed straightaway to pass the impugned order. Notice dated 23.04.2026 was issued fixing the hearing on 28.04.2026, and a further notice dated 19.05.2026 fixed the hearing on 25.05.2026. The record, as placed before this Court, therefore, demonstrates not a case where the petitioner was condemned without hearing, but a case where the allegations were communicated on more than one occasion, written replies were received, and personal hearing was afforded before the final order was passed.

57. It is true that a reasonable opportunity of hearing cannot be reduced to a mere ritualistic issuance of notice. The person proceeded against must know the substance of the allegations and must have a meaningful opportunity to meet the case set up against him. This principle has been repeatedly recognised by the Hon'ble Supreme Court. In ***Oryx Fisheries Private Limited v.***

Union of India & Others, (2010) 13 SCC 427, the Supreme Court emphasised that a show-cause notice must enable the person concerned to understand the case which he has to meet and that the authority must approach the matter with an open mind, by observing as under :-

> *“24. ……It is well settled that a quasi-judicial authority, while acting in exercise of its statutory power must act fairly and must act with an open mind while initiating a show cause proceeding. A show cause proceeding is meant to give the person proceeded against a reasonable opportunity of making his objection against the proposed charges indicated in the notice.*
>
> *25. Expressions like "a reasonable opportunity of making objection" or "a reasonable opportunity of defence" have come up for consideration before this Court in the context of several statutes.*
>
> *26. A Constitution Bench of this Court in Khem Chand v. Union of India and others, reported in AIR 1958 SC 300, of course in the context of service jurisprudence, reiterated certain principles which are applicable in the present case also.*
>
> *27. S.R. Das, C.J., speaking for the unanimous Constitution Bench in Khem Chand (supra) held that the concept of `reasonable opportunity' includes various safeguards and one of them, in the words of the learned Chief Justice, is:*
>
> > *"(a) An opportunity to deny his guilt and establish his innocence, which he can only do if he is told what the charges leveled against him are and the allegations on which such charges are based;"*

28. It is no doubt true that at the stage of show cause, the person proceeded against must be told the charges against him so that he can take his defence and prove his innocence. It is obvious that at that stage the authority issuing the charge- sheet, cannot, instead of telling him the charges, confront him with definite conclusions of his alleged guilt. If that is done, as has been done in this instant case, the entire proceeding initiated by the show cause notice gets vitiated by unfairness and bias and the subsequent proceeding become an idle ceremony.

29. Justice is rooted in confidence and justice is the goal of a quasi-judicial proceeding also. If the functioning of a quasi- judicial authority has to inspire confidence in the minds of those subjected to its jurisdiction, such authority must act with utmost fairness. Its fairness is obviously to be manifested by the language in which charges are couched and conveyed to the person proceeded against."

58. Likewise, in ***Gorkha Security Services v. Government (NCT of Delhi) & Others, (2014) 9 SCC 105***, the Hon'ble Supreme Court explained that the purpose of a show-cause notice is to enable the noticee to understand the precise case set up against him and to effectively rebut the allegations, by observing as under :-

"21. The Central issue, however, pertains to the requirement of stating the action which is proposed to be taken. The fundamental purpose behind the serving of Show Cause Notice is to make the noticee understand the precise case set up against him which he has to meet. This would require the statement of imputations detailing out the alleged

breaches and defaults he has committed, so that he gets an opportunity to rebut the same. Another requirement, according to us, is the nature of action which is proposed to be taken for such a breach. That should also be stated so that the noticee is able to point out that proposed action is not warranted in the given case, even if the defaults/ breaches complained of are not satisfactorily explained. When it comes to black listing, this requirement becomes all the more imperative, having regard to the fact that it is harshest possible action.

22. The High Court has simply stated that the purpose of show cause notice is primarily to enable the noticee to meet the grounds on which the action is proposed against him. No doubt, the High Court is justified to this extent. However, it is equally important to mention as to what would be the consequence if the noticee does not satisfactorily meet the grounds on which an action is proposed. To put it otherwise, we are of the opinion that in order to fulfil the requirements of principles of natural justice, a show cause notice should meet the following two requirements viz:

i) The material/ grounds to be stated on which according to the Department necessitates an action;

ii) Particular penalty/action which is proposed to be taken. It is this second

requirement which the High Court has failed to omit.

We may hasten to add that even if it is not specifically mentioned in the show cause notice but it can be clearly and safely be discerned from the reading thereof, that would be sufficient to meet this requirement."

59. The aforesaid principles are undoubtedly applicable to proceedings under Section 41-A of the Act of 1961. At the same time, the test is one of substance and not of form. The Court has to examine the entire course of proceedings to determine whether the person concerned knew the case he was required to meet and whether he was afforded a real and effective opportunity to put forward his defence.

60. Tested on the aforesaid principle, the contention of the petitioner that he had no knowledge of the allegations cannot be accepted. The documentary record establishes that the petitioner was aware, much before the final order, of the allegations concerning the land transactions, the alleged plotting, the alleged absence of diversion/permission, the role attributed to him as power-of-attorney holder and the allegation concerning suppression of information in the nomination process. His detailed replies demonstrate that he not only knew the factual allegations but also raised specific legal and factual objections thereto.

61. The argument that every document generated in the course of an

administrative inquiry was required to be furnished to the petitioner in every circumstance also cannot be accepted as an absolute proposition. The obligation is to furnish such material as is relied upon against the person concerned in a manner which enables him to effectively meet the case. In the present case, the petitioner was specifically confronted with the substance of the reports and allegations and was permitted to furnish documentary material in support of his defence. He did so by filing a detailed reply running into several pages.

62. In this connection, reliance may also be made, by way of principle, upon ***Managing Director, ECIL, Hyderabad v. B. Karunakar & Others, (1993) 4 SCC 727***, wherein the Constitution Bench explained the importance of furnishing an inquiry report where such report forms part of the decision-making process, while also emphasising the relevance of prejudice caused by its non-supply. The ratio cannot be mechanically transplanted from disciplinary proceedings to every statutory proceeding, but it reinforces the broader proposition that procedural fairness is ultimately directed towards ensuring a meaningful opportunity of defence.

63. In the present matter, the petitioner has failed to demonstrate what specific factual defence he could have raised before the State Government which he was prevented from raising merely because every inquiry document was not separately furnished to him. On the contrary, his replies show that he had already disputed the

very foundation of the allegations, including the number of plots, the dates of sale, the ownership of the land, the alleged construction of houses, the applicability of the colonizer provisions, the role of his wife Smt. Parvati Dubey and the allegation concerning suppression in the nomination papers. Thus, even assuming that there was some deficiency in supply of individual documents, the petitioner has not demonstrated consequential prejudice sufficient to vitiate the entire proceeding.

64. The further submission that the final order contains allegations which were not mentioned in the earlier notice also does not persuade this Court to the extent necessary to invalidate the entire order. The Court is required to examine whether the impugned order has introduced an entirely new and independent charge, on which the petitioner had no opportunity whatsoever, or whether the findings recorded in the final order are merely conclusions or consequences drawn from the factual allegations already put to him. In the present case, the allegations concerning the petitioner's land transactions, his alleged role as power-of-attorney holder, the alleged illegal plotting, the alleged failure to obtain necessary permissions and the alleged suppression of material information were already part of the proceedings and were specifically dealt with in the petitioner's replies. The petitioner himself, in his reply dated 12.01.2026, specifically addressed the allegation of concealment in the nomination process and asserted that the allegations were pre-election matters. Consequently, it

cannot be said that the petitioner was confronted with an altogether unknown factual case only at the stage of the final order.

65. The principle enunciated in ***Oryx Fisheries*** (supra) and ***Gorkha Security Services*** (supra) requires that the noticee should have a fair opportunity to meet the case. It does not require that the final order must reproduce verbatim the language of the show-cause notice or that the competent authority is prohibited from drawing legal conclusions from facts already placed before the noticee. The requirement is that the substance of the case should have been disclosed. In the present case, that requirement stands substantially satisfied.

66. The next contention relates to the petitioner's plea that the property belonged to his wife Smt. Parvati Dubey and that the registered sale deed dated 14.02.2025 was executed by her in respect of her own property. This contention raises a factual issue concerning the precise nature of the petitioner's involvement in the transactions. However, the material placed before the State Government was not confined to the single sale deed dated 14.02.2025. The proceedings refer to several transactions extending over a number of years, the division of agricultural land into numerous small parcels, the alleged sale of residential plots, the petitioner's alleged power of attorney in respect of the property standing in the name of his wife Smt. Parvati Dubey and his

alleged participation in the transactions.

67. The question before this Court in exercise of jurisdiction under Article 226 of the Constitution of India is not to undertake a fresh factual investigation into every sale deed or to substitute its own appreciation of the inquiry material for that of the competent authority. Unless the finding is shown to be based on no material, irrelevant material, perversity, manifest arbitrariness or violation of a mandatory statutory safeguard, the existence of another possible view on the factual material is not, by itself, sufficient for interference.

68. The petitioner has also relied heavily upon the fact that the majority of the transactions took place before his election. That circumstance undoubtedly has relevance. It was specifically raised by the petitioner before the State Government. However, as already noticed, the existence of a temporal distinction between the alleged conduct and the date of election does not automatically extinguish the statutory power under Section 41-A of the Act of 1961. The State Government was required to consider whether the material relating to such conduct had a continuing bearing upon the desirability of the petitioner's continuance in office and whether the case fell within any of the statutory grounds. The impugned order records such consideration. This Court, therefore, cannot accept the proposition that antecedent conduct is, as a matter of law, wholly incapable of consideration

under Section 41-A of the Act of 1961.

69. At the same time, this Court makes it clear that the present conclusion should not be understood as holding that every pre-election act of an elected President can invariably furnish a ground for removal under Section 41-A of the Act of 1961. Such a proposition would be too broad and would potentially defeat the statutory election mechanism under Section 20 of the Act of 1961. The relevance of antecedent conduct depends upon its nexus with the statutory ground invoked, the nature and seriousness of the conduct, the material establishing it and the satisfaction recorded by the competent authority. The present case is being decided on the material and findings available in the impugned order.

70. The submission founded upon ***Tarlochan Dev Sharma*** (supra), also does not lead to a different conclusion. The Supreme Court in that case emphasised that an elected office-bearer is entitled to continue for the prescribed term unless removed in accordance with law and that a casual or isolated error cannot ordinarily justify such drastic action. In the present matter, however, the State Government has not proceeded on the basis of one isolated administrative lapse. The material relied upon concerns an alleged course of land transactions involving division of land into numerous plots and alleged non-compliance with the applicable statutory requirements, coupled with the allegation of suppression of material information. Whether those allegations ultimately

establish the alleged violations on merits is not a question which this Court is required to re-appreciate as a court of first instance.

71. The decision in ***Sharda Kailash Mittal*** (supra) also does not mandate interference merely because the petitioner is an elected President. The Supreme Court's emphasis upon “strong and weighty reasons” operates as a safeguard against arbitrary or trivial exercise of the removal power. It does not mean that, once the authority has considered material disclosing circumstances which it regards as serious and has recorded its satisfaction under the statutory provision after affording hearing, the constitutional court must itself reassess the sufficiency of every piece of evidence as though exercising appellate jurisdiction.

72. In the same manner, ***Ravi Yashwant Bhoir*** (supra) underscores the importance of strict compliance with the statutory procedure and principles of natural justice. The present record, however, demonstrates that the petitioner was issued notices at multiple stages, was called upon to submit documents, submitted detailed written replies dated 21.04.2025, 29.08.2025 and 12.01.2026, and was thereafter granted personal hearings by the State Government. The material before this Court, therefore, does not establish a case of complete denial of hearing or a proceeding conducted behind the petitioner's back.

73. The argument regarding absence of individual culpability also cannot be accepted in the absolute form in which it has been

advanced. The case of the respondents is not founded merely upon the petitioner's status as President. The material relied upon by the State Government attributes to the petitioner a specific role in the transactions, including his alleged involvement as power-of-attorney holder in respect of property standing in the name of his wife Smt. Parvati Dubey. The State Government was, therefore, entitled to examine his individual role on the basis of the material placed before it. Whether every factual inference drawn by the State Government is ultimately correct is distinct from the question whether there existed material upon which such consideration could lawfully be undertaken.

74. The Court is also unable to accept the contention that the proceedings under Section 339(C) and those under Section 41-A of the Act of 1961 are mutually destructive. The two provisions operate in different statutory fields. The proceedings under Section 339(C), as reflected from the order dated 24.04.2026, concern the alleged illegal colonization/plotting and the financial consequences arising therefrom. Section 41-A of the Act of 1961, on the other hand, concerns the continuance of an elected President in office. The same factual substratum may, in an appropriate case, give rise to more than one statutory consequence, provided the ingredients of each provision are independently satisfied.

75. Consequently, the mere fact that the Chief Municipal Officer had already passed an order dated 24.04.2026 under Section 339(C)

of the Act of 1961 cannot render the subsequent exercise of power under Section 41-A of the Act of 1961 without jurisdiction. At the same time, the finding in the Section 339(C) of the Act of 1961 proceeding cannot automatically substitute for the satisfaction required under Section 41-A of the Act of 1961. In the present case, the impugned order has been passed separately under Section 41-A of the Act of 1961 after the State Government considered the material and the petitioner's explanation. The statutory distinction has, therefore, been maintained.

76. As regards the petitioner's challenge to the order dated 24.04.2026, this Court finds substance in the objection raised by the respondents regarding the availability of the statutory appellate remedy. The order itself records the appellate remedy before the Collector. The petitioner has chosen to assail the said order directly in the present writ petition without first availing the statutory remedy. The controversy relating to the computation of Rs.3,27,04,740/-, the applicability of the colonizer provisions, the area allegedly covered, the EWS/LIG components, development charges, the rate adopted and the factual basis of the demand are matters which can appropriately be examined by the statutory appellate authority.

77. It is well settled that availability of an alternative remedy is not an absolute bar to exercise of jurisdiction under Article 226 of the Constitution of India. Nevertheless, where the challenge involves

disputed factual issues and the statute provides an efficacious appellate mechanism, the constitutional court ordinarily requires the aggrieved party to pursue that remedy, particularly where none of the recognised exceptional circumstances warranting direct interference is established. In the present case, no such exceptional circumstance has been demonstrated in relation to the order dated 24.04.2026.

78. The submission regarding non-compliance with the Rules of Business also does not persuade this Court to invalidate the impugned order. Direction “13 (ccc)”, as noticed hereinabove, requires cases relating to removal of a President of a Municipality under Section 41-A of the Act of 1961 to be submitted for approval to the Chief Minister through the Chief Secretary by the Secretary of the concerned department after consideration by the Minister-in-Charge. The petitioner has relied upon ***MRF Ltd.*** (supra), to contend that the Business Rules are mandatory.

79. There can be no quarrel with the proposition that the Rules of Business framed under Article 166(3) of the Constitution of India are to be complied with. However, the mere absence of an express recital in the final order that every stage contemplated by the Rules of Business was followed cannot, by itself, establish non-compliance. The burden lies upon the person challenging the governmental decision on this ground to place sufficient material demonstrating that the decision was in fact taken by an authority

lacking the requisite constitutional or statutory competence or that the mandatory procedure was demonstrably bypassed.

80. In the present case, the impugned order is a formal order of the State Government issued through the Urban Administration and Development Department. The record discloses consideration at the departmental level and repeated opportunities of hearing to the petitioner. There is no material placed before this Court demonstrating that the final decision was taken by an officer lacking competence or that the matter was deliberately withheld from the authority contemplated by Direction 13(ccc). In the absence of such material, the contention based merely upon an alleged absence of recital in the order cannot result in quashing the decision.

81. The petitioner has also challenged the impugned order as being non-speaking. The Court has carefully examined the impugned order along with the material preceding it. The order may not deal with each and every sentence or contention raised in the voluminous replies of the petitioner; however, an administrative/quasi-judicial order is not required to reproduce the entire defence or to answer every submission in the form of a judgment of a court. What is required is discernible application of mind to the material allegations, the explanation offered and the statutory power being exercised. In the present case, the decision-making record discloses the factual basis upon which the State

Government proceeded. The allegations concerning the land transactions, division of land into plots, alleged absence of necessary permissions, the petitioner's alleged involvement in the transactions and the issue of suppression of material facts were all matters which had been put to the petitioner. His defence was also before the competent authority. The ultimate conclusion that the petitioner's continuance was not desirable in the circumstances is, therefore, not shown to be a conclusion founded upon no material whatsoever. The Court does not sit as an appellate authority over every administrative finding merely because another view of the material may be possible. Interference is warranted where the decision suffers from lack of jurisdiction, violation of a mandatory statutory provision, breach of natural justice, consideration of wholly irrelevant material, exclusion of relevant material, perversity or manifest arbitrariness. On the material placed before this Court, none of these grounds is established to the degree necessary for setting aside the impugned order.

82. The petitioner has sought to invite this Court to undertake a fresh factual assessment of the individual sale deeds, the ownership of the properties, the actual nature of the transactions, the number of plots, the alleged construction of houses under the Pradhan Mantri Awas Yojana, the requirement of diversion, the applicability of the colonizer provisions and the computation of the alleged financial liability. Such an exercise, particularly in relation to the order dated 24.04.2026, would effectively convert the writ jurisdiction into a

fact-finding appellate forum. The statutory remedies available under the relevant enactments are better suited for adjudication of such factual controversies.

83. The fact that certain purchasers may have subsequently constructed houses, including houses under the Pradhan Mantri Awas Yojana, also cannot by itself establish the legality of the original transactions. Likewise, the fact that registered sale deeds were executed does not, by itself, conclude whether the transactions constituted permissible individual transfers or amounted to plotting/colonization requiring compliance with the applicable statutory requirements. These are factual and legal questions which were considered by the competent authorities and, insofar as the monetary consequences are concerned, remain open to challenge before the statutory appellate authority.

84. Another significant aspect is that the petitioner himself, in his replies, did not dispute the factum of sale of the lands. His principal defence was that the transactions were genuine individual sales, that the lands belonged to him or his wife Smt. Parvati Dubey, that the sales were necessitated by family requirements, that they preceded his election and that subsequent purchasers had constructed houses. Thus, the foundational factual transactions were not denied; rather, their legal character and the consequences flowing therefrom were disputed. The State Government was consequently entitled to consider the material

and arrive at its statutory satisfaction.

85. The Court is equally unable to accept the submission that the absence of an election petition under Section 20 of the Act of 1961 automatically confers an immunity upon the petitioner from all subsequent statutory consequences. Section 20 of the Act of 1961 protects the finality of an election by prescribing the manner in which the election itself may be called into question. It cannot reasonably be construed as creating an unrestricted shield against every subsequent statutory action which may legitimately arise from conduct or circumstances relevant to the office held by the elected person.

86. If the State Government had declared the petitioner's election void, cancelled the election certificate or purported to adjudicate the validity of the election in exercise of Section 41-A of the Act of 1961, the position would have been materially different. No such order has been passed. The impugned order operates upon the petitioner's continuance in office and the statutory consequence under Section 41-A(2) of the Act of 1961. The election itself remains an election conducted and concluded under the Act of 1961. What has been curtailed is the petitioner's tenure in office by virtue of a distinct statutory power vested in the State Government.

87. The consequential disqualification under Section 41-A(2) of the Act of 1961 also cannot be viewed in isolation. The language of sub-

section (2) makes it clear that the State Government may, “while ordering the removal under sub-section (1)”, also order disqualification for the next term. Thus, the disqualification is statutorily linked to the removal. Once the order of removal under sub-section (1) is found sustainable, the consequential direction under sub-section (2) cannot be assailed merely on the ground that it has been separately mentioned in the operative portion of the order.

88. It is necessary to emphasise that the Court is not called upon in this writ petition to pronounce upon the criminality, if any, of the petitioner, nor is the Court recording any independent finding that the petitioner committed an offence. The reference to the allegations concerning illegal plotting or violation of the colonizer provisions is confined to the question whether the State Government had material before it to exercise the statutory power under Section 41-A of the Act of 1961. Likewise, the monetary liability imposed by the Chief Municipal Officer under the order dated 24.04.2026 is not being independently adjudicated in the present proceeding.

89. The Court also does not find it necessary to enter into the allegation of political motivation attributed by the petitioner to Respondent No.6. The fact that Respondent No.6 holds a particular political position, by itself, cannot establish that the statutory authorities acted at her behest. The material

demonstrates that, after the complaint, the matter travelled through the municipal and revenue authorities, reports were called for, the Collector and Sub-Divisional Officer examined the matter, and the State Government thereafter initiated its own proceedings. The statutory decision, therefore, cannot be set aside merely on the basis of an allegation of political influence unsupported by demonstrable material.

90. The Court is also conscious of the caution sounded by the Hon'ble Supreme Court in cases concerning removal of elected representatives. The democratic mandate cannot be treated lightly, and Section 41-A of the Act of 1961 cannot be invoked as a convenient device for settling political disputes or removing an elected President for minor administrative lapses. The principles stated in ***Sharda Kailash Mittal***, ***Ravi Yashwant Bhoir*** and ***Tarlochan Dev Sharma*** (supra) remain fully applicable.

91. However, the converse is equally important. Democratic legitimacy does not confer immunity from statutory accountability. An elected office-bearer, once in office, continues to hold the office subject to the statutory conditions governing that office. Where the competent authority, upon material before it, records the requisite statutory satisfaction and follows the procedure prescribed by law, the mere fact that the person is elected cannot prevent the statutory power of removal from being exercised.

92. On an overall consideration of the entire record, this Court finds

that the petitioner was confronted with the allegations at several stages; he was afforded repeated opportunities to submit written explanations; he actually submitted detailed replies; he was afforded personal hearing by the State Government; the principal factual allegations were known to him well before the passing of the impugned order; and the State Government thereafter exercised the power specifically conferred upon it by Section 41-A of the Act of 1961.

93. The Court, therefore, is unable to accept the submission that the entire proceeding is vitiated merely because the petitioner was not supplied every document generated during the inquiry. Nor can the Court accept that the State Government was wholly precluded from considering antecedent conduct merely because the same preceded the election. The relevant consideration is whether such conduct was relied upon as a ground for determining the petitioner's continuance in office and whether the petitioner had an opportunity to meet the substance of the allegations. On the facts of present case, both requirements stand substantially satisfied.

94. The impugned order dated 04.07.2026, when read in the context of the entire record, cannot therefore be characterised as an order passed without jurisdiction. The State Government possessed statutory jurisdiction under Section 41-A of the Act of 1961. The material before it was not wholly extraneous to the statutory enquiry. The petitioner was not denied an opportunity of hearing.

The impugned action is also not shown to amount to an adjudication setting aside the petitioner's election under Section 20 of the Act of 1961. Consequently, the principal challenge to the order of removal fails.

95. As regards the challenge to the order dated 24.04.2026 passed by the Chief Municipal Officer under Section 339(C) of the Act of 1961, the petitioner has an independent statutory remedy of appeal before the competent authority. The issues arising from the calculation of the demand, applicability of the colonizer provisions, determination of the area, the rate adopted, the alleged development charges and other factual aspects are matters which can appropriately be urged before the appellate authority. This Court, therefore, finds no justification to bypass the statutory remedy and adjudicate those disputed questions for the first time in exercise of writ jurisdiction.

96. Consequently, the challenge to the impugned order dated 04.07.2026 passed by the State Government under Section 41-A of the Act of 1961 fails. The consequential direction disqualifying the petitioner from holding the office of President for the next term, being referable to Section 41-A(2) of the Act of 1961, also does not warrant interference once the order of removal under Section 41-A(1) of the Act of 1961 is sustained.

97. Before parting with the matter, this Court considers it appropriate to clarify that the dismissal of the present writ petition should not

be construed as an adjudication by this Court upon every factual aspect of the alleged land transactions or as an affirmation of the precise computation of the monetary demand contained in the order dated 24.04.2026. The statutory appellate remedy against the said order remains available in accordance with law, and the competent appellate authority shall examine the challenge to that order independently and in accordance with the statutory provisions governing such appeal.

98. Similarly, nothing contained in this order shall be construed as expressing any opinion upon the validity of any individual sale deed, title of any purchaser, legality of construction undertaken by any subsequent purchaser, entitlement under any Government housing scheme, or any other issue which may fall for consideration before a competent statutory authority in proceedings independently maintainable in law. The observations herein are confined to examination of the legality of the impugned exercise of power under Section 41-A of the Act of 1961 in the present writ petition.

99. The submission founded upon the Chhattisgarh Rules of Business also does not advance the case of the petitioner. The petitioner has not been able to demonstrate from the record that the impugned order dated 04.07.2026 was issued by an authority lacking the requisite competence or that any mandatory requirement governing the transaction of Government business

was deliberately or substantially bypassed. The impugned order is an order of the State Government issued through the Urban Administration and Development Department, and the record discloses consideration of the matter at the departmental level before the exercise of statutory power under Section 41-A of the Act of 1961. Mere absence of a specific recital in the impugned order indicating compliance with each stage contemplated under the Rules of Business cannot, in the facts of the present case, by itself establish non-compliance with the said Rules. The decision in ***MRF Ltd.*** (supra), relied upon by learned Senior Counsel for the petitioner, does not dispense with the requirement of establishing, on the basis of the record, an actual breach of a mandatory provision of the Rules of Business. In the present case, no such foundational material has been placed before this Court. The challenge based upon the Rules of Business is, therefore, of no assistance to the petitioner.

100. Having regard to the totality of the circumstances, this Court is of the considered opinion that the petitioner has failed to establish that the State Government acted wholly without jurisdiction, travelled beyond the statutory power conferred by Section 41-A of the Act of 1961, denied him a reasonable opportunity of hearing, acted upon material wholly unknown to him, or passed the impugned order in patent violation of the statutory scheme. The petitioner has also failed to establish such perversity or manifest arbitrariness in the decision-making process as would warrant

interference under Article 226 of the Constitution of India.

101. It is true that the office of President of a Nagar Panchayat is an elected office and that removal of such office-bearer before expiry of the elected term is a serious matter. However, the protection afforded to an elected office-holder is protection against arbitrary or legally impermissible removal and not an immunity from a statutory proceeding validly instituted and concluded in accordance with law. The Court, while exercising judicial review, must maintain the necessary balance between respecting the democratic mandate and enforcing the statutory conditions governing continuance in an elected public office.

102. In the facts of the present case, that balance, in the opinion of this Court, does not warrant interference. The State Government has exercised a power expressly vested in it by the legislature; the petitioner was afforded opportunities to defend himself; his defence was before the competent authority; and the impugned action has not been shown to amount to a collateral adjudication of the election itself. The grounds urged by the petitioner, individually as well as cumulatively, therefore, do not make out a case for exercise of the extraordinary jurisdiction of this Court.

103. Even otherwise, on a consideration of the material available on record in the light of the statutory scheme contained in Section 41-A of the Act of 1961, this Court finds that the case against the petitioner was not confined merely to the factum of sale of

agricultural land prior to his election. The material placed before the State Government disclosed allegations concerning division of agricultural land into residential plots without obtaining the requisite colonizer licence and permissions, the petitioner's alleged involvement in the transactions undertaken in the name of himself and his wife Smt. Parvati Dubey, and the subsequent proceedings initiated by the competent municipal authority in that regard. The petitioner was put to notice of the allegations and was afforded opportunities to submit his explanation. In response to the proceedings, the petitioner did not dispute the factum of the sale transactions, but sought to justify the same by contending that the lands were owned by him or his wife Smt. Parvati Dubey and that the transactions were individual sales made for family and financial requirements.

104. It is also material that, upon the proceedings initiated under Section 339(C) of the Act of 1961, the Chief Municipal Officer passed the order dated 24.04.2026 imposing demand and penalty upon the petitioner in respect of the alleged violations. The said order has not been challenged by the petitioner by availing the statutory appellate remedy available to him. This Court is, therefore, not called upon in the present proceedings to adjudicate upon the correctness of the demand or penalty imposed under the said order. However, the existence of the said order and the fact that it has not been displaced in any appellate proceeding constitute relevant circumstances which were available for

consideration by the State Government while examining the petitioner's continuance in the elected office under Section 41-A of the Act of 1961.

105. The record further discloses that, after the aforesaid order, the Chief Municipal Officer, vide communication dated 01.05.2026, sought to place the matter before the President-in-Council in relation to the consequential proceedings arising out of the non-compliance with the demand and penalty. The matter was placed as Agenda No.1 before the Nagar Panchayat. It is the specific finding emerging from the record that, when the proposal was placed before the petitioner in his capacity as President, he declined to sign the proposal and did not permit the resolution to be proceeded with. These subsequent acts, occurring during the petitioner's tenure as President, are distinct from the antecedent land transactions and cannot be treated as matters relating exclusively to the validity of his election. They bear directly upon his conduct after assumption of office and upon the functioning of the Nagar Panchayat.

106. Thus, the material before the State Government comprised not merely the alleged pre-election transactions, but also the subsequent conduct of the petitioner in relation to the statutory proceedings arising therefrom and the functioning of the Nagar Panchayat. The State Government was, therefore, entitled to consider the cumulative effect of the circumstances while

examining whether the petitioner's continuance as President was desirable in the public interest or in the interest of the Council and whether his conduct was inconsistent with the provisions of the Act and the Rules framed thereunder. The exercise of power under Section 41-A of the Act of 1961, in the facts and circumstances of the present case, cannot consequently be characterised as an indirect adjudication upon the validity of the petitioner's election under Section 20 of the Act of 1961.

107. For the foregoing reasons, this Court finds no sufficient ground to interfere with the impugned order dated 04.07.2026 passed by the State Government under Section 41-A of the Act of 1961. The challenge to the order dated 24.04.2026 passed by the Chief Municipal Officer under Section 339(C) of the Act of 1961 is also not liable to be entertained in the present writ petition, particularly in view of the statutory appellate remedy available to the petitioner and the disputed factual issues involved therein.

108. Accordingly, the writ petition is **dismissed**. The impugned order dated 04.07.2026 passed by the State Government under Section 41-A of the Act of 1961, removing the petitioner from the office of President, Nagar Panchayat, Bilaigarh, District Sarangarh-Bilaigarh, and directing his disqualification from holding the said office for the next term, is upheld.

109. Insofar as the challenge to the order dated 24.04.2026 passed by the Chief Municipal Officer under Section 339(C) of the Act of

1961 is concerned, the petitioner shall be at liberty to avail the statutory appellate remedy available to him in accordance with law. If such remedy is availed within the period prescribed by law, the competent appellate authority shall consider the same strictly in accordance with the statutory provisions, uninfluenced by any observation contained in the present order concerning matters which are required to be adjudicated independently in the appellate proceedings.

110. The observations made hereinabove shall be understood only for the purpose of deciding the present writ petition and shall not prejudice the petitioner in any statutory proceeding arising out of the order dated 24.04.2026, nor shall they be construed as an independent adjudication upon the title, validity of individual sale transactions or any other matter falling within the jurisdiction of the competent statutory authority.

111. All pending interlocutory applications, if any, shall also stand disposed of. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
15.09.2026	14.10.2026	------	14.10.2026

Head-Note

Municipal Law – Removal of elected President – Section 41-A of the Act of 1961 – State Government's power to remove an elected President, if in the opinion of State Government his continuance is not desirable in the interest of public interest or in the interest of Council, or he is working against the provision of the Act or any Rules made thereunder- the President can be removed and the same is distinct from the validity of Election under Section 20 of the Act of 1961.