



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 3037 of 2023

Vijay Kumar Sharma S/o Shri Ratanlal Sharma Aged About 49 Years R/o Village Thuadih, Gram Panchayat Bhedali, Tahsil Kawardha, District Kabirdham (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
2. The Collector Kabirdham, District Kabirdham (C.G.)
3. The Director Panchayat, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
4. Virendra Kumar Jangde S/o Shri Kanhaiyalal Jangde Aged About 28 Years R/o Village Ghughrikala, Khuntu Tahsil Kawardha, District Kabirdham (C.G.)

---- Respondents

05.07.2023	Mr. Prafulla N. Bharat, Sr. Advocate with Mr. Tanmay Thomas, counsel for petitioner. Mr. Raghavendra Pradhan, Additional A.G. for State-respondents No.1 to 3. Heard. Issue notice to respondents. Learned State counsel accepts notice on behalf of respondent No1 to 3, hence, process fee is not required to be paid. He prays and is granted three weeks time to file reply. On payment of process fee issue notice to respondent No.4 as per rules making it returnable within three weeks. Also heard on I.A. No.1, application for grant of interim relief. Learned counsel for petitioner submits that petitioner was served with a notice under Section 40 of the C.G. Panchayat Raj Adhiniyam, 1993. After causing his appearance, petitioner initially
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raised preliminary objection with regard to maintainability of the proceedings and after deciding the preliminary objection (rejecting), petitioner has submitted reply to the notice under Section 40 of the Panchayat Raj Adhiniyam, 1993. Respondent No.3 without holding enquiry as envisaged under Section 40 of the Panchayat Raj Adhiniyam fixed the case for final arguments, which is contrary to the intent of provisions under Section 40 of the Panchayat Raj Adhiniyam.

Considering the submission of learned counsel for petitioner and also upon perusing the entire order sheets, which is placed along with writ petition purely as an interim measure, it is directed that further proceedings of the case No. 25/23, pending in Court of Director Panchayat (respondent No.3), shall remain stayed, till the next date of hearing.

List this case in the week commencing 31st of July, 2023.

Certified as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Balram