

## Sonam And Ors Vs State Of Chhattisgarh And Ors

**Court:** Chhattisgarh High Court

**Date of Decision:** July 30, 2018

**Acts Referred:** Chhattisgarh Panchayat Raj Adhiniyam, 1993 " Section 21(4)

**Hon'ble Judges:** Ajay Kumar Tripathi, CJ; Prashant Kumar Mishra, J

**Bench:** Division Bench

**Advocate:** Keshav Prasad Gupta, Prafull Bhatat, V.K. Pandey

**Final Decision:** Disposed Of

### Judgement

Ajay Kumar Tripathi, CJ

1. Learned Single Judge disposed of the writ petition allowing the present appellants to prefer revision application before the Commissioner, Surguja

Division against the order of the Collector dated 27-4-2018 which was an order passed under Section 21 (4) of the Chhattisgarh Panchayat Raj

Adhiniyam, 1993.

2. Aggrieved by the said order writ appeal has been preferred by the appellants on submission that in a similar matter the same learned Single Judge

entertained the writ petition whereas in their writ petition they were asked to invoke the alternative remedy.

3. We have perused the order dated 21-6-2018 passed in WPC No.1676 of 2018 (Smt. Gulab Bai Maitri v State of Chhattisgarh & Others). The facts

were such which pointed out that there is failure on the part of the Collector to exercise his authority diligently, which resulted in failure of justice,

which is not the case in the present writ appeal.

4. Final adjudicatory decision has been taken with regard to the issue of no confidence motion by the Collector, District Surajpur vide his order

dated 27-4-2018 and keeping in mind the ratio of the decision rendered by the High Court of Madhya Pradesh in the case of Sadan Kumar v State of

M.P. and Others reported in 2002 (2) MPHT 257, the order of the learned Single Judge directing the appellants to exhaust the revisional authority of

the Commissioner, Surguja Division, cannot be said to be erroneous.

5. Accordingly, the writ appeal is disposed off with liberty to the appellants to avail the revisional forum even now.