



2025:CGHC:5733

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 422 of 2025**

**1 - Smt. Basanti Bai W/o Aviram Dhruw Aged About 60 Years Resident Of Village- Dumaghat, Tahsil- Amlipadar, District- Gariyaband, Chhattisgarh**

**... Petitioner**

**versus**

**1 - State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, District- Raipur (Chhattisgarh)**

**2 - The Collector, Gariyaband, District- Gariyaband, Chhattisgarh**

**3 - The Chief Executive Officer, Zila Panchayat, Gariyaband, District- Gariyaband, Chhattisgarh**

**4 - The Sub-Divisional Officer (Revenue), Mainpur, District- Gariyaband (Chhattisgarh)**

**5 - The Chief Executive Officer, Janpad Panchayat, Mainpur, District- Gariyaband (Chhattisgarh)**

**... Respondents**

**(Cause title is taken from Case Information System)**

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For Petitioner : Mr. Kamlesh Kumar Pandey, Advocate

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For Respondents/State : Ms. Anuja Sharma, Panel Lawyer

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**(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)**

**Order on Board**

**31/01/2025**

1. By the present writ petition, the petitioner is questioning the notice dated 15/10/2024 (Annexure P/1) issued by respondent No.4/ Sub-Divisional Officer (Revenue), Mainpur, District Gariyaband as well as the communication/list dated 03/03/2022 (Annexure P/2) issued by respondent No.5/ Chief Executive Officer, Janpad Panchayat, Mainpur, District Gariyaband to the SDO (Revenue) intimating him that as per social audit conducted by the audit team, the recovery has to be made from various Sarpanch of Gram Panchayats including the petitioner alleging that the petitioner was working as Office bearer/Panch of the Panchayat has committed irregularities during her tenure in the said Panchayat.
2. Learned counsel appearing for the petitioner submits that on the basis of the list issued by the CEO, notice was issued to the petitioner by SDO for recovery of the alleged amount from her. At the time of preparation of the list of recovery of the amount, no opportunity of hearing was afforded to the petitioner.
3. Learned counsel appearing for the State submits that as per the list/communication (Annexure P/2) given to the SDO (Revenue) by the CEO, Janpad Panchayat, Mainpur an intimation has been given for recovery of amount from various Office bearers of the Gram Panchayats on the basis of the social audit conducted by the audit team where several irregularities were found when the

Office bearers/Panchayats were working in the the Gram Panchayats. She further submits that after receipt of the communication by the CEO, the SDO (Revenue) has drawn a proceeding under Section 89 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short, "the Adhiniyam") and notices have been issued under Section 92 of the Adhiniyam to the petitioner as well as the other Panchs or Office bearers of the Gram Panchayats. She would argue that that there is a provision under Section 89 that before passing any order of recovery, proper opportunity of hearing has to be afforded to the office bearers of the Gram Panchayats, accordingly the show cause notice has been issued under the said provision to provide opportunity of hearing to the Office bearers and to observe the principles of natural justice before passing any order in the list communicated by the CEO.

4. I have heard learned counsel for the parties and perused the documents.
5. Perusal of the pleadings would show that the CEO has sent a communication to the SDO for recovery of amount from various office bearers/Sarpanch of Gram Panchayats, as per the social audit conducted by the audit team. The SDO, in pursuance to the said communication/list provided by the CEO, has drawn proceeding under Section 89 and issued notice to the petitioner to explain how the amount as stated by the audit team as well as the CEO would not be recovered from them.

6. It appears from the notice (Annexure P/1) which is under Challenge by the petitioner is only a notice as per the provision under Section 89 of the Adhiniyam and the petitioner will get opportunity of hearing to explain about the irregularities and recovery sought from her.
7. As per the statement of the learned State counsel that the proceeding under Section 89 has been drawn against the petitioner and only after receiving of the reply to the said show cause notice, the final decision has to be passed by the SDO (Revenue).
8. In view of the above, this writ petition is disposed of. The petitioner may file reply to the notice under Section 89 and explain the irregularities alleged against her and the SDO is directed to consider the same in accordance with the provision under Section 89 and 92 of the Adhiniyam and pass a detailed and speaking order regarding the recovery of the amount alleged against the petitioner.

Sd/-  
**(BIBHU DATTA GURU)**  
**JUDGE**