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WP-8657-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 19<sup>th</sup> OF MAY, 2025WRIT PETITION No. 8657 of 2025*MANGHU BAIGA**Versus**STATE OF MP. AND OTHERS*

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Appearance:

*Shri Akhilesh Kumar Singh - Advocate for petitioner.*

*Ms. Shikha Sharma - Govt. Advocate for respondent/State.*

*Shri Abhinav Shrivastava - Advocate with Shri Siddharth Shrivastava*  
*- Advocate for respondent No.2.*  
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ORDER

Petitioner has filed this petition under Article 226 of the Constitution of India challenging order dated 17.01.2024 contained in Annexure-P/6. By said order, financial power of Sarpanch were withdrawn and financial powers were given to Panchayat Coordinator Shri Rajbahor Saket, Janpad Panchayat Sohagpur. Aforesaid order was passed as petitioner was caught red handed accepting bribe of Rs.50,000/- (Rupees Fifty Thousand).

2. Counsel appearing for petitioner submitted that impugned order is without jurisdiction and bad in law. Petitioner was served a show cause notice on 07.12.2023 under the provisions of Section 39(1)(a) and Section 40 of Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 after registration of a criminal case under Prevention of Corruption Act, 1988



against him at Crime No.212/2023. Petitioner appeared and filed its reply to show cause notice. After receiving reply, second show cause notice was issued on 08.01.2024 under Section 40 of Adhiniyam, 1993. Without considering reply and giving opportunity of hearing to petitioner, respondent No.3 passed an impugned order dated 17.01.2024 and financial powers of petitioner was withdrawn. Counsel for petitioner submitted that there is no provision to take away financial power of Sarpanch on account of registration of offence. Order dated 17.01.2024 is passed without application of mind and authority of law. In these circumstances, prayer is made for interim relief and quashing of impugned order.

3. Counsel appearing for respondent No.2 submitted that allegation against petitioner relates to corruption and misuse of authority. Since petitioner is involved in case of corruption, therefore, Chief Executive Officer, Zila Panchayat, Shahdol has rightly passed an order of withdrawing financial powers from petitioner. There is no error in the order and petition be dismissed.

4. Heard the counsel for the parties.

5. State Government has enacted the Madhya Pradesh Panchayat (Powers and Functions of Chief Executive Officer) Rules, 1995. Rule 2(b) of said Rule defines 'Chief Executive Officer' which means 'Chief Executive Officer' of Zila Panchayat or Janpad Panchayat as the case may be. Under Rule 4 of said Rule Chief Executive Officer has power to supervise and control the execution of all activities of Panchayat. Chief Executive Officer shall take necessary measures for speedy execution of all works and



development scheme of Panchayat, initiate or conduct proceedings, civil or criminal on behalf of Panchayat and he has also power to draw and disburse money out of the Panchayat Fund. Rule 4, sub-rule (xiii) also prescribes that it is Chief Executive Officer who shall ensure against loss of money or property of any Panchayat in possession or charge of employees of the Panchayat in discharge of duties and to place before Panchayat or Standing Committee empowered. As per said provisions, it is the duties of Chief Executive Officer to ensure that no loss of money or property of Panchayat is caused, therefore, Chief Executive Officer, Zila Panchayat has power to issue orders withdrawing financial powers of Sarpanch who is found to be involved in a corruption case. Action has been taken only to ensure against loss of money of Panchayat. Further he is also empowered under sub-rule (xvi) of Rule 4 to take steps to remove any defect, irregularity brought to the notice of Panchayat in course of audit of its account. In these circumstances, it cannot be said that Chief Executive Officer, Zila Panchayat do not have power to withdraw financial powers of Sarpanch.

6. In view of aforesaid, writ petition is **dismissed**.

(VISHAL DHAGAT)  
JUDGE

sp/-