



BEFORE THE HON'BLE HIGH COURT OF CHATTISGARH AT BILASPUR

W. P. (227) NO. 88 / 2015

PETITIONER

Swaroop Chand Jain, son of late Maniklal Jain, aged about 68 years, presently President, Krishi Gorakshani Sabha, a Public Trust duly registered under the provisions of the Chhattisgarh Public Trusts Act, 1951, resident of Sakri, Tahsil and District Raipur (C.G.)

WP (227) 88/15
P.R. No. 2074/15
Presented by Shri Anurag Joshi
dated 29.1.15

VERSUS

RESPONDENTS

- 1) State of Chhattisgarh, through the Collector, Raipur, Dist. Raipur (C.G.)
- 2) Shri Rajeev Vora, Son of Shri Govind Lal Vora, Secretary, Krishi Gorakshani Sabha, Sakri, Tahsil and Dist. Raipur.

**WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA**

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP(227) No.88 of 2015****PETITIONER**

Swaroop Chand Jain

-Versus-**RESPONDENTS:**State of Chhattisgarh &
another**Present**

Shri Amrito Das, counsel for the petitioner.

Shri Ashutosh Pandey, Panel Lawyer for the State.

Single Bench: Hon'ble Shri Prashant Kumar Mishra, J.**ORAL ORDER****(18-2-2015)**

1. The petitioner is challenging the order passed by the 4th Additional District Judge, Raipur, dismissing his appeal filed under Section 26 read with Section 27 of the CG Public Trust Act, 1951 (for short 'the Act').
2. Learned counsel for the petitioner would submit that the Registrar exercised power under Section 9 of the Act to effect change in the Managing Body of the trust, therefore, the petitioner had preferred an application under Section 26 read with Section 27 of the Act and the finding recorded by the Additional District Judge that the appeal should have been preferred under Section 24 of the Act is not correct.
3. There is no dispute about the fact that the Registrar had exercised power under Section 9 of the Act and not under Section 23 of the Act.
4. An appeal under Section 24 of the Act lies when the Registrar proceeds to pass an order under Section 23. Since admittedly the Registrar, in the present case, has exercised power under Section 9 and thereafter the petitioner has preferred an application under Section 26 read with Section 27 of the Act, the impugned order is



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appealable before the High Court under Section 27 (3) of the Act.

5. Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner may prefer an appeal in accordance with law. As prayed by learned counsel for the petitioner, certified copy of the impugned order be returned to him on supplying Xerox copy of the same.

Sd//
Prashant Kumar Mishra
Judge

Barve