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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1398 of 2014**

- Vedprakash Dewangan S/o Shri Hariram Dewangan, aged About 40 years, R/o Ward No. 12, Tikripara, Gandai, Tahsil & Police Station-Gandai, District Rajnandgaon (C.G.)

---- Petitioner**Versus**

1. The State of Chhattisgarh, through the Secretary, Urban Administration and Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Chief Municipal Officer, Nagar Panchayat Gandai, District-Rajnandgaon (C.G.)
3. Ganesh Ram Dewangan S/o Banshilal Dewangan, R/o Ward No. 12, Tikripara, Gandai, Tahsil & Police Station-Gandai, District-Rajnandgaon (C.G.)

---- Respondents

For Petitioner	:	Shri Goutam Khetrpal, Advocate
For Respondent No.1/State	:	Shri A. Pandey, PL for the State
For Respondent No.2	:	Shri Kshtij Sharma, Advocate
For Respondent No. 3	:	Shri Satish Chandra Verma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****11/03/2015**

Heard learned counsel for the parties.

1. The petitioner has assailed the legality and validity of the order passed by the Nagar Panchayat, Gandai, District Rajnandgaon, whereby he was directed to deposit penalty of Rs.1950/- for running the ice factory from 2001 to 2014 without obtaining any license and also requiring him to submit affidavit of the owner of the property for consideration of his application for

grant of license.

2. Although, the impugned order has not mentioned the provision under which a license is issued for running an ice factory, in the course of hearing, it was brought to the notice of the Court that such license is required under Section 268 of the Chhattisgarh Municipalities Act, 1961 (for short 'the Act, 1961'). The order under challenge is thus an order passed under the said provision, therefore, the same is appealable under Section 308 of the Act, 1961.
3. The petitioner may avail the alternative remedy within a period of 45 days from today. If the remedy is availed within the said period, the appellate authority i.e. the Collector shall consider and decide the appeal, on its own merits, as early as possible and preferably within a period of three months from the date of submission of appeal.
4. For a period of 4 months from today, the interim order passed earlier by this Court shall remain in operation.
5. With the above observation, the writ petition stands disposed of.

JUDGE

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