

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 454 of 2015

Smt. Jhankeshwari Chandra, wife of Shri Balram Chandra, Aged About 38 Years
Vice-President, Nagar Panchayat Jaijaipur, District Janjgir-Champa, R/o Jaijaipur,
Police Station & Tahsil Jaijaipur, District Janjgir Champa (Chhattisgarh), Civil &
Revenue District Janjgir- Champa

---- Applicant/Petitioner

Versus

Shri S. K. Sahu Chief Municipal Officer, Nagar Panchayat Jaijaipur, District Janjgir-
Champa (Chhattisgarh)

---- Non-applicant/Contemnor

For Petitioner	:	Shri B.P. Sharma, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

S.B. :Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/10/2015

Heard.

1. This contempt petition has been filed by the applicant alleging that the non-applicant-Chief Municipal Officer has willfully disobeyed the order dated 1.9.2015 passed by this Court in WPC No.1551 of 2015.
2. In the reply on affidavit, it has been stated that the non-applicant communicated to the petitioner an agenda of meeting to be held and requested her to hold General Body Meeting in compliance of direction of this Court, but the applicant herself did not respond to the communication. It is further submitted that as far as power to nominate working President in a Local Body is concerned, the power vests with the State Govt., as has been observed by this Court and the non-applicant has no authority to nominate working President. It is submitted that in fact, such direction has been issued to the State Govt. and not to the non-applicant. The non-applicant has already forwarded the matter to the State Authority who is competent to

exercise powers under Section 37 (2) of the Chhattisgarh Municipalities Act, 1961 vide his letter dated 26.9.2015.

3. Vide order dated 1.9.2015 passed in the writ petition, this Court directed the State Authority to pass necessary orders in terms of Section 37 (2) of the Municipalities Act, to nominate a working President of the Local Body within a period of sixty days. That period has not expired. In order to ensure proper function of the Local Body till proper nomination is made by the State govt., this Court by judicial order, provided for an interim arrangement that the applicant shall be allowed to preside over the meeting of the Council till appropriate arrangement of nomination under Section 37 (2) of the Municipalities Act is made by the Govt.
4. The applicant has failed to come out with any material that while holding meeting, non-applicant did not allow the applicant to preside over the meeting. There is no material to show that after the order was passed and communicated to non-applicant, meetings were conducted by non-applicant without allowing the applicant to preside over the meeting. On the contrary, non -applicant has brought on record letter dated 7.10.2015 requesting the petitioner to approve the date and time of meeting as also agenda of meeting so that further proceedings may be drawn.
5. This Court did not direct any meeting to be held within any specific period. The spirit of the order is that as and when meetings are held, the applicant would preside over the meeting. Letter dated 29.9.2015, placed on record by the applicant along with the application for initiating criminal contempt proceedings against non-applicant, does not in any manner violates the order of this Court. This Court directed the State Govt. to nominate working President and not the non-applicant.
6. In view of the above considerations, no case for initiating contempt proceeding is made out against the non-applicant.
7. The contempt petition is misconceived and is, therefore, dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge