

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.131 of 2016**

Diwas Jain S/o Rakhchand Jain (Chopda) Aged About 28 Years R/o Mahaveer Colony, Mahasamund, Tahsil And District Mahasamund, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Collector, Mahasamund, District Mahasamund, (Chhattisgarh)
3. The Chief Executive Officer, Janpad Panchayat Mahasamund, District Mahasamund, (Chhattisgarh)
4. The Janpad Panchayat Mahasamund, Through Its Chief Executive Officer, District Mahasamund, (Chhattisgarh)
5. The Chief Municipal Officer, Nagar Palika Parishad, Mahasamund, District Mahasamund, (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri R. Pradhan, Advocate
For Respondent/State	:	Shri Satish Gupta, GA
For Respondent No.3 & 4	:	Shri CJK Rao, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/02/2016**

The petitioner has assailed the order of the Collector dated 23-10-2015 (Annexure P-1) mainly on the submission that the Collector has passed the order in a cryptic manner without due consideration of reply of the petitioner.

2. Learned counsel for respondents raised an objection with regard to maintainability of the petition by submitting that against the order passed by the Collector, there exists remedy of statutory appeal under Rule 3 of Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995 before the Commissioner.

3. Learned counsel for petitioner could not dispute that there exist remedy of statutory appeal.

4. I do not find any extraordinary reason to interfere with the impugned order as the petitioner has an alternative remedy of statutory appeal before the Commissioner.

5. In the result, the petition is dismissed with liberty to file appeal. Considering that this petition is filed before this Court, it is observed that if the petitioner files an appeal within a period of 30 days from today, his appeal shall be entertained on merits without going into the question of limitation.

Sd/-
Manindra Mohan Shrivastava
Judge