

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3170 OF 2016**

The Municipal Council, Takhatpur through its Chief Municipal Officer, Umesh Shukla,
S/o Shri Daulat Ram Shukla, aged about 59 years, Takhatpur, District Bilaspur (C.G.)

---- **Petitioner****Versus**

1. Mukesh Tiwari, Near Mahamaya Mandir, Malkhapara District Mungeli (C.G.)
2. Additional Collector, Bilaspur, District Bilaspur (C.G.)

Respondents

For Petitioner	:	Mr. Sunil Otvani, Advocate
For Respondent No. 1	:	Mr. Sudeep Agrawal, Advocate
for Respondent No. 2	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****12/08/2016**

Heard.

1. A prayer for stay has been made by the learned counsel for the petitioner by submitting that the order of termination ought not to have been stayed by the Appellate Authority because that order impugned is to grant final relief. Reliance has been placed in **Civil Appeal No. 6517 of 2009 (State of U.P. & Others Vs. Sandeep Kumar Balmiki & Others)** passed by the **Hon'ble Supreme Court vide order dated 18.9.2009.**

2. On the other hand, learned counsel for respondent No.1 submits that the petitioner instead of prayer for vacating the interim order, has directly rushed to this Court. He submits that order of dismissal has been challenged on the ground of lack of jurisdiction and that it is void and nonnest.

3. Considering the aforesaid submission, I am inclined to finally dispose off the matter with a direction that in case, petitioner prefers an application for vacating stay before the competent authority, the same shall be considered and decided by the competent authority within a period of three weeks from the date of submission of application for vacating stay.

4. With the aforesaid observation, petition stands finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge