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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1357 of 2014**

1. Gajmati Thakur W/o Shri Uttam Singh Thakur Aged About 41 Years R/o Civil Lines, Baloda Bazar, Distt Baloda Bazar, Civil & Revenue Distt Baloda Bazar, Cg
2. Prabhuram Sori S/o Lt Shri Kartik Ram Sori Aged About 50 Years R/o Village And Post Chipawand, Tah & Distt Kondagaon, Cg

---- Petitioners**Versus**

1. District Collector Kondagaon, Distt Kondagaon, Cg
2. Tahsildar Kondagaon, Distt Kondagaon, Cg
3. Budhirayan Bai W/o Faguram R/o Village Girola, Tah & Distt Kondagaon, Cg
4. Block Education Officer, Block Farasgaon, Distt Kondagaon, Cg

---- Respondents

For Petitioners	:	Shri Sunil Otwani, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State
For Respondent No.3	:	Shri Akash Pandey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****12/01/2016**

1. Petitioners are aggrieved by the order Annexure P-1, whereby the Collector-cum-District Magistrate, Kondagaon has directed that respondent No.3 Budhirayan Bai shall act as guardian of minor Harsh, aged about 5 years and minor Himanshu, aged about 3 years, both sons of deceased Chain Singh.
2. It appears, deceased Chain Singh died on 8-7-12 while serving as Head

Master in the Government Primary Boys School, Salfipadar, Tehsil Farsagaon, district Kondagaon leaving behind above named two minor sons. While the petitioners are the brother and sister of the wife of the deceased, the respondent No.3 is the sister of the deceased. The petitioners claimed that the minor sons of deceased Chain Singh are residing with them whereas as per the report of Tehsildar filed as Annexure R-5, the children are residing with respondent No.3.

3. Be that as it may, dispute regarding guardianship cannot be resolved in writ jurisdiction. The Collector has also passed the impugned order so as to make immediate arrangement for the livelihood and care of the minor sons of the deceased Chain Singh. Dues admissible and deposited in the service account of deceased Chain Singh have not yet been paid in full to respondent No.3 on account of the interim order passed by this Court on 14-10-14, whereby this Court had directed that respondent No.3 shall be entitled to withdraw an amount of Rs.25000/- only to maintain the said minors.
4. Considering the entire facts situation of the case and for the welfare of the minors, the writ petition is disposed of with a direction that the entire dues lying in the account of deceased Chain Singh be deposited in the name of minors in the form of interest bearing fixed deposit. In the meanwhile, the petitioners may move appropriate application for decision as to the guardianship of the minors. If such an application is moved within one month, further step about guardianship of the minors shall be taken in accordance with the judgment rendered by the Court of competent jurisdiction, however, if no decision is taken within a period of one year, the issue concerning welfare of the children and use of the amount kept deposited in the name of minors shall be decided by the Court by way of

interim order for release of part of the accrued interest on the fixed deposit.

5. Let the interest bearing fixed deposit be created by the Block Education Officer in the name of minors within a period of one month from today.

Sd/-

Judge
Prashant Kumar Mishra

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