

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 634 of 2016**

M/s R. G. Builders Through Its Proprietor R.K.Agrawal S/o Shri Ram
Kishore, Aged About 64 Years, R/o Normal School Road, Bilaspur,
District Bilaspur, Chhattisgarh **---- Petitioner**

Versus

1. A. Q. Khan Sub Divisional Magistrate, District Bilaspur, Chhattisgarh
2. Punendra Tiwari Chief Municipal Officer, Nagar Panchayat, Sirgitti,
Bilaspur, District Bilaspur, Chhattisgarh(Contemnors)

---- Respondents

For Petitioner : Shri Sunil Otwani, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/01/2017**

Heard on admission.

1. Learned counsel for the petitioner submits that while rejecting the representation of the petitioner vide memo dated 13.07.2016 in purported compliance of the order of this Court, the authority has failed to apply the correct Rules applicable in the case and his decision is based on application of the Chhattisgarh Nagar Palika Nigam and Nagar Palika (Registration of Colonizer Terms and Conditions) Rules 2013 (for short 'the Rules of 2013') whereas this Court had directed the respondent to consider the petitioner's application under Chhattisgarh Panchayat Raj Adhiniyam, 1993 read with M.P.(C.G.) Gram Panchayat (Registration of Colonizer Terms and Conditions) Rules, 1999 (for short 'the Rules of 1999').

2. The writ petition filed by the petitioner was disposed off taking into consideration that the petitioner's representation has remained pending and is required to be considered.

3. In view of the statement made before this Court, this Court without deciding as to which Rule will be applicable, directed consideration of the representation.

4. It appears that the authority has rejected the petitioner's representation by applying Rules of 2013. Irrespective of merits of the case as to whether the Rules of 1999 would be applicable or Rules of 2013 would be applicable, in my opinion, it is not contemptuous act because this Court had not decided with regard to the applicability of the Rules. Therefore, in these circumstances, I am not inclined to initiate any contempt proceedings against the respondents. The contempt petition is therefore dismissed. However, it goes without saying that the petitioner has the liberty to challenge the legality and validity of order dated 13.07.2016 by the Chief Municipal Officer, Nagar Panchayat, Sirgitti.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**