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HIGH COURT OF CHHATTISGARH, BILASPUR**WP (C) No. 126 of 2017**

Maha Miritunjya Mahila Machwa Sahkari Samiti Maryadit Through Its President Bhagwati Bai, W/o. Mahesh Ram, Aged About 50 Years, R/o. Village Bachaud, Tehsil Baloda, District Janjgir Champa (Chhattisgarh)

---- Petitioner**Versus**

- 1.** The Commissioner Bilaspur Division-Bilaspur, District Bilaspur (Chhattisgarh)
- 2.** Collector, Janjgir District Janjgir Champa, Chhattisgarh
- 3.** Sub Divisional Officer, Janjgir, District Janjgir Champa (Chhattisgarh)
- 4.** Gram Panchayat Bachaud Through Sarpanch, Tehsil Baloda, District Janjgir Champa (Chhattisgarh)
- 5.** Ekta Mahila Swa Sahayata Samuh, Through Its President Ramkumari, W/o. Dilharan, R/o. Village Bachaud, Tehsil Baloda, District Janjgir Champa (Chhattisgarh)

---- Respondents**And****WP (C) No. 127 of 2017**

Maha Miritunjya Mahila Machwa Sahkari Samiti Maryadit Through Its President Bhagwati Bai, W/o. Mahesh Ram, Aged About 50 Years, R/o. Village Bachaud, Tehsil Baloda, District Janjgir Champa (Chhattisgarh)

---- Petitioner**Versus**

- 1.** The Commissioner Bilaspur Division- Bilaspur, District Bilaspur (Chhattisgarh)
- 2.** Collector, Janjgir District Janjgir Champa, Chhattisgarh.
- 3.** Sub Divisional Officer, Janjgir, District Janjgir Champa (Chhattisgarh)
- 4.** Gram Panchayat Bachaud Through Sarpanch, Tehsil Baloda, District Janjgir Champa (Chhattisgarh)

5. Annapurna Mahila Swa Sahayata Samuh, through its President Saraswati Bai, W/o. Pyarelal, R/o. Village-Bachaud, Tehsil-Baloda, District-Janjgir-Champa (CG)

---- Respondents

And

WP (C) No. 128 of 2017

Maha Miritunjya Mahila Machwa Sahkari Samiti Maryadit Through Its President Bhagwati Bai, W/o. Mahesh Ram, Aged About 50 Years, R/o. Village Bachaud, Tehsil Baloda, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. The Commissioner Bilaspur Division- Bilaspur, District Bilaspur (Chhattisgarh)
2. Collector, Janjgir District Janjgir Champa, Chhattisgarh.
3. Sub Divisional Officer, Janjgir, District Janjgir Champa (Chhattisgarh)
4. Gram Panchayat Bachaud Through Sarpanch, Tehsil Baloda, District Janjgir Champa (Chhattisgarh)
5. Jai Sakura Maa Swa Sahayata Samuh, through its President Anarbai, W/o. Kholbahara, R/o. Village-Bachaud, Tehsil-Baloda, District Janjgir-Champa (CG)

---- Respondents

For Petitioner	:	Mr.Sushobhit Singh, Advocate
For State	:	Mr.Ashish Surana, P.L.
For Respondent No.5	:	Mr.Ajit Singh, Advocate
in all cases		

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/08/2017

1. Since common question of law and facts are involved in these writ petitions, they are heard together and are being disposed of by this common order.

2. Gram Panchayat Bachaud after issuing notice allotted fishing right to respondent No.5 and rejected the petitioner's candidature on the ground that the petitioner's Samooh is defaulter and has not paid the lease amount of the year 2002. The petitioner Samooh preferred an application before the Sub Divisional Officer, Janjgir. The Sub Divisional Officer, Janjgir allowed the petitioner's application and set aside the order granting lease in favour of respondent No.5 and resolution dated 28.8.2012 passed by Gram Panchayat Bachaud. Respondent No.5 preferred the revision before the Collector, Janjgir-Champa. The Collector, Janjgir-Champa also upheld the order of the Sub Divisional Officer and dismissed the revision. Again respondent No.5 preferred an appeal before the Additional Commissioner, Bilaspur Division, Bilaspur and the Additional Commissioner allowed the appeal preferred by respondent No.5 and set aside the orders passed by the Sub Divisional Officer, Janjgir and the Collector, Janjgir-Champa, against the order of the Additional Commissioner, Bilaspur Division, Bilaspur, the petitioner preferred these writ petitions under Article 226 of the Constitution of India.
3. Mr.Sushobhit Singh, learned counsel appearing for the petitioner, would submit that appeal was preferred before the Sub Divisional Officer and against the Appellate Order, the petitioner preferred the revision before the Collector,

therefore, second revision before the Additional Commissioner was not maintainable in law.

4. On the other hand, Mr.Ashish Surana, learned Panel Lawyer appearing for the State and Mr.Ajit Singh, learned counsel appearing for respondent No.5 (in all cases), would support the impugned order and submit that it is not in dispute that the petitioner Samooh preferred an application before the Sub Divisional Officer, Janjgir for setting aside the resolution dated 28.8.2012 passed by Gram Panchayat Bachaud. That application was allowed by the Sub Divisional Officer. Thereafter, respondent No.5 preferred an appeal before the Collector, Janjgir-Champa. The Collector dismissed the appeal preferred by respondent No.5. Thereafter, respondent No.5 preferred the revision before the Additional Commissioner, Bilaspur Division, Bilaspur, therefore, it cannot be held that it is second revision before the Additional Commissioner.
5. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
6. It is not in dispute that first application was filed by the petitioner Samooh before the Sub-Divisional Officer and the Sub-Divisional Officer set aside the resolution of Gram Panchayat Bachaud dated 28.8.2012, against which, respondent No.5 preferred the revision before the Collector,

Janjgir Champa, which was rejected by the Collector, Janjgir-Champa, against which, appeal was preferred before the Additional Commissioner, Bilaspur Division, Bilaspur, which is registered as Appeal Case No.50A-89/2014-2015 and that has been allowed by the Additional Commissioner.

7. Institution of appeal and revision is governed by the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 (hereinafter called as "Rules of 1995"). Rule 3(a) of the Rules of 1995 provides that in the case of any order passed by the Sub-Divisional Officer under any provision of this Act or rules, appeal would lie to the Collector. Rule 5 (1) of the Rules of 1995 provides that against the order of the Collector, revision would lie by any party before the Commissioner.
8. In the instant case, firstly revision was preferred before the Collector, Janjgir-Champa, which was in fact appeal under Rule 3 (a) of the Rules of 1995 and against that order, appeal was preferred though it was revision under Rule 5 of the Rules of 1995, therefore, it cannot be said that it was second revision before the Additional Commissioner. Learned Additional Commissioner has clearly recorded a finding that the petitioner Samooh was defaulter in payment of lease amount for the tanks which were granted to her in the year 2002 and her application was rightly rejected by Gram Panchayat, which is a finding based on

evidence available on record. I do not find any merit in contention of the petitioner or jurisdictional error in the impugned order.

9. Accordingly, the writ petitions deserves to be and are hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-