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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1067 of 2019**

- Vijay Jain S/o Shri Trilok Chand Jain, Aged About 54 Years, R/o Near Sindhi Dharmshala, Bhilai - 3, Tahsil-Patan, District Durg, Chhattisgarh. (Presently Elected President Of The Municipal Corporation Bhilai-Charoda, District Durg, Chhattisgarh. Mobile – 9285506601.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Principal Secretary, Department Of Urban Admin. And Development Mantralaya, Mahanadi Bhawan, Naya Raipur, Tahsil And District Raipur Chhattisgarh, Pin – 492001.
2. Mayor (Mrs. Chandrakanta Mandle), Municipal Corporation Bhilai - Charoda, District Durg, Chhattisgarh.
3. Commissioner, Municipal Corporation Bhilai - Charoda, District Durg, Chhattisgarh.

---- Respondents

WPC No. 1073 of 2019

- Vijay Jain S/o Shri Trilok Chand Jain, Aged About 54 Years, R/o Near Sindhi Dharmshala, Bhilai-3, Tahsil-Patan, District Durg, Chhattisgarh (Presently Elected President Of The Municipal Corporation Bhilai-Charoda, District Durg, Chhattisgarh. Mobile - 9285506601

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Versus

1. State Of Chhattisgarh Through Its Principal Secretary,
Department Of Urban Admin And Development, Mantralaya,
Mahanadi Bhawan, Naya Raipur, Tahsil And District Raipur,
Chhattisgarh, Pin – 492001
2. Mayor (Mrs. Chandrakanta Mandle), Municipal Corporation
Bhilai-Charoda, District Durg, Chhattisgarh.
3. Commissioner, Municipal Corporation Bhilai-Charoda,
District Durg, Chhattisgarh

---- Respondents

For Petitioner	:-	Shri Y.C. Sharma, Advocate.
For Respondent/State	:-	Shri Alok Bakshi, Addl A.G. and Shri Rahul Jha, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/03/2019

1. WPC No. 1067 of 2019 has been preferred for direction
to decide the petitioner's representation Annexure P-6,
which the petitioner has moved for removal of Mayor of
Municipal Corporation, Bhilai-Charoda. The second
Writ Petition bearing WPC No.1073 of 2019 has been
preferred for a direction to the respondent No. 1 to
decide the petitioner's representation Annexure P-6,
which he has preferred for his inclusion in the Mayor-

in-Council of the Municipal Corporation, Bhilai-Charoda.

2. Petitioner is the Speaker of Municipal Corporation, Bhilai Charoda. Under Rule 3 (2) of the Chhattisgarh Municipalities (the Conduct of Business of Mayor-in-Council/President-in-Council and the Powers and Functions of the Authorities) Rules, 1998, the Speaker is to be included necessarily, whenever, the constitution of Mayor-in-Council takes place, however, the Mayor of Municipal Corporation, Bhilai Charoda has constituted the Mayor-in-Council without including the petitioner (Speaker).
3. Learned counsel would submit that for the present, both the Writ Petitions may be disposed of with direction to the respondent No.1 to decide petitioner's representation Annexure P-6 preferred under Sections 419 and 425 of CG Municipal Corporation Act, 1956.
4. Considering the facts situation of the case, both the Writ Petitions are disposed of with direction to respondent No. 1 to decide petitioner's application/representation (Annexure P-6 in both the Writ Petitions) in accordance with law, by a speaking order, at the earliest, preferably within a period of 3 months from the date of submission of certified copy of

this order.

5. It goes without saying that decision on the representation shall be taken after providing opportunity of hearing to the Mayor of Municipal Corporation, Bhilai-Charoda.

Sd/-
(Prashant Kumar Mishra)
Judge

Ayushi