

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(C) No. 2340 of 2020**

1. Shiv Kumar Chandra S/o Shri Laxman Prasad Chandra Aged About 40 Years R/o Village- Thuthi, Post Office Thathari, Police Station And Tahsil Jaijaipur, Civil And Revenue District- Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Collector Janjgir, Civil And Revenue District- Janjgir Champa, Chhattisgarh
2. Smt. Neera Manhar W/o Shri Sukhiram Manhar Aged About 43 Years Sarpanch, Gram Panchayat Thuthi, Janpad Panchayat Jaijaipur, Civil And Revenue District- Janjgir-Champa, Chhattisgarh
3. Smt. Durga Manhar W/o Shri Gautam Manhar Aged About 23 Years Panch, Ward No. 12, Gram Panchayat Thuthi, Janpad Panchayat Jaijaipur, Civil And Revenue District- Janjgir Champa, Chhattisgarh, Both Respondent No. 2 And 3 Are R/o Village Thuthi, Post Office Thathari, Police Station And Tahsil Jaijaipur, Civil And Revenue District- Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ramesh Nayak, Adv.
For State	:	Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12.10.2020**

1. The grievance of the petitioner in the present writ petition seems to be the issuance of notice by the Dy. Collector on an application

moved by the petitioner under Section 36(3) of the Chhattisgarh Panchayat Raj Adhiniyam 1993.

2. The grievance of the petitioner is in-respect-of the competence of the Dy. Collector in hearing a matter u/s 36 (3) of the Act of 1993. According to the petitioner, as per the Act an application u/s 36 (3) of the Panchayat Raj Adhiniyam, the matter has to be heard and decided only by a Collector and it cannot be decided by a Dy. Registrar/Collector.
3. However, in the instant case, though he has made an application to the Collector but the proceedings have been initiated by the Dy. Collector which according to him, is beyond jurisdiction or in excess of his jurisdiction.
4. Given the said facts and circumstances of the case, this Court is of the opinion that since it is the petitioner himself who is the applicant before the Dy. Collector, he is at liberty to approach the respondent No. 1 the Collector by moving an appropriate application in respect of the proceedings being heard by the Dy Collector on his application u/s 36(3) of the Act, 1993. That the Collector thereafter shall take a decision on the said application on its merits based upon the contention that the petitioner shall raise in his application, keeping in view the Judicial Pronouncements made by the Supreme Court as also by this High Court in a number of cases.
5. Meanwhile, the Dy. Collector is directed not to proceed further till the Collector takes a decision on its merits on the application of the petitioner in case No. 03/A-89(23)/2019-20. Upon the Petitioner

moving an appropriate application to the respondent No. 1, he is expected to take a decision at the earliest preferably within a period of 30 days from today.

6. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**