

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2658 of 2020

Hitanand Agrawal S/o Shri Shankar Lal Agrawal Aged About 42 Years R/o
Medicine Center, Sector 5, Balco Nagar , District Korba Chhattisgarh.

---Petitioner(s)

Versus

- 1.** Commissioner, Municipal Corporation District Korba, Chhattisgarh.
- 2.** Sabhapati/ Speaker Municipal Corporation , District Korba , Chhattisgarh.
- 3.** Mayor In Council Korba City, District Korba , Chhattisgarh.
- 4.** Collector District Korba, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Anshul Tiwari, Advocate.
For Respondent No.1	:	Shri P. Acharya, Advocate.
For Respondent-State	:	Shri Mateen Siddiqui, Dy. AG.
For Respondents 2&3	:	Shri B.D. Guru, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.11.2020

- 1.** The grievance of the petitioner seems to be the action on the part of the respondents whereby the General Body Meeting scheduled to be held on 12.10.2020 was held on 12.10.2020 on which date the petitioner was alleged to have been forcefully restrained from participating in the said General Body Meeting on the ground of some of the family members of the petitioner were found Corona positive.
- 2.** According to the petitioner he had gone to attend the General Body Meeting with specific report from the Medical Authorities where his report showed that he was negative of the said Virus, yet he was not permitted to participate in the meeting.
- 3.** The petitioner further submits that he has also approached the respondent No.4 by way of a detailed representation in this regard which has not been acted upon till date.

4. Per contra the counsel for the respondent No.1 submits that the General Body Meeting has already taken place on 12.10.2020 and the resolution also has been passed and as per Section 421 of the Municipal Corporation Act the resolution has to be sent to the State Govt. for its approval before it is implemented and the petitioner therefore can raise his objections before the concerned State authorities not to grant approval to the said resolution in the light of the grievance that he has.
5. Given the aforesaid facts and circumstances of the case, the writ petition stands disposed of directing the petitioner to approach the State authorities by filing a suitable objection to the resolution so passed and the respondent No.4 is also directed to consider the objection that the petitioner has filed and pass an appropriate order in accordance with law. Needless to mention that in case if the Collector finds that there is merit in the contention of the petitioner, he may make appropriate reference of the same to the State Government.
6. Upon petitioner's moving appropriate objection before the State authorities, it is expected that the State authorities shall consider those objections before granting approval to the resolution sent by the Corporation.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge