

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1712 of 2021

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

Versus

1. State of Chhattisgarh through Collector, District Korba, Chhattisgarh.,
 2. Commissioner, Municipal Corporation, District Korba, Chhattisgarh.
 3. Sabhapati, Municipal Corporation, District Korba, Chhattisgarh.
 4. Mayor In Council, Korba City, District Korba, Chhattisgarh.
- **Respondents**

For the Petitioner	: Mr. Anshul Tiwari, Advocate
For the State	: Mr. Aditya Tiwari, Dy. Govt. Advocate
For respondents 2 to 4	: Mr. P. Acharya, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.03.2021

1. The present petition is against the order dated 19.01.2021 whereby the objection made by the petitioner before respondent No.1 has been rejected.
2. The back ground of this case is that earlier the petitioner filed a writ petition before this Court on the ground that he was not allowed to enter into and participate the general body meeting on 12.10.2020. In that petition, this Court on 09.11.2020 has observed that the petitioner may file application before the Collector with regard to the fact about his grievance that would be decided. Subsequently, the contempt petition was filed and the contempt petition was disposed of on 20.01.2021 on the ground that the contemnors have complied the order dated 09.11.2020. It is submitted that the order dated 19.01.2021 Annexure P-1 whereby the objection of the petitioner has been denied is completely on wrong premises and it has been stated

that the petitioner was not denied the opportunity to participate in the general body meeting on 12.10.2020.

3. Learned counsel submits that the counselor is duty bound under the Act of Municipal Corporation to uphold the interest of public at large as certain duties are cast therefore if the petitioner is not allowed to participate on wrong premises it will defeat the very spirit & object of the municipal corporation.
4. A perusal of the order dated 19.01.2021 would show that after consideration, it was found that the petitioner was not denied the entry in the general body and no evidence was found to substantiate his allegation. Therefore, if the petitioner is still aggrieved that on wrong premises his application has been rejected, this Court will not make any roving enquiry on the finding of fact so as to evaluate the authenticity of the contents of Annexure P-1 dated 19.01.2021 wherein the representation/objection of the petitioner has been rejected. Since the very substratum of the fact has been rebutted to the effect that the petitioner was not refused to make the entry, as such, if the petitioner feels that it is contrary to the facts then it has to be established before the competent court of law. This Court will not exercise the power under Article 226 of the Constitution to disturb the finding of fact. The petition has no merit and is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**