

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) NO.1606 of 2013**

Pramila Bharti, wife of Raghunath Bharti, aged about 35 years, resident of Village Marra, P.S. and Tehsil Patna, Civil and Revenue District Durg, Chhattisgarh

-----Petitioner

Versus

1. Malti Verma, wife of Nem Singh Verma, aged about 42 years, occupation-House wife, resident of Village Marra, P.S. and Tehsil Patan, Civil and Revenue District Durg, Chhattisgarh
2. The Sarpanch, Gram Panchayat Marra, P.S. and Tehsil Patan, Civil and Revenue District Durg, Chhattisgarh
3. The Secretary, Gram Panchayat Marra, P.S. and Tehsil Patan, Civil and Revenue District Durg, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat, Patan, P.S. and Tehsil Patan, Civil and Revenue District Durg, Chhattisgarh

----- Respondents

For Petitioner : Mr.Praveen Dhurandhar, Advocate
 For Respondent No.1: None present through served

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/9/2021

1. The petitioner herein calls in question legality, validity and correctness of the order dated 30.4.2013 (Annexure P-1) passed by the Additional Collector, Durg in Revision Case No.29/A-89/2011-12, by which the appeal preferred by respondent No.1 herein has been allowed by the Additional Collector, Durg.
2. Mr.Praveen Dhurandhar, learned counsel for the petitioner, would submit that against the resolution passed by the Gram Panchayat, Marra dated 2.1.2012, appeal would lie only before the Sub-Divisional Officer (Revenue) under Rule 3 of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 (hereinafter called as 'the Rules of

1995') and therefore, the Additional Collector, Durg could not have entertained the appeal. Even otherwise, the Additional Collector, Durg has recorded a finding that appeal could have been preferred before the Sub-Divisional Officer (Revenue), still the Additional Collector, Durg interfered with, which is absolutely without jurisdiction and without authority of law.

3. None present for respondent No.1 though served.
4. I have heard learned counsel for the petitioner and perused the documents appended with writ petition.
5. Admittedly, against resolution No.3 dated 2.1.2012 passed by Gram Panchayat Marra, appeal was entertained by the Additional Collector, Durg under Rule 3 of the Rules of 1995, which was not maintainable as under Rule 3 of the Rules of 1995 against the resolution passed by Gram Panchayat, appeal would lie before the Sub-Divisional Officer (Revenue), which the Additional Collector, Durg is also held in the impugned order, yet entertained the appeal, which was not maintainable.
6. Accordingly, the impugned order dated 30.4.2013 (Annexure P-1) passed by the Additional Collector, Durg is hereby quashed holding the appeal to be not maintainable. However, this will not preclude respondent No.1 to proceed in accordance with law.
7. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-