

Single Bench

P.R. No. 3818/04  
Presented by Shri. J. K. Patel on 11/11/04  
dated 11/11/04

CR 10/04

(3)

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**

W.P.No. 3821 Of 2004

**BETWEEN**

1. Sudhe Ram Verma S/o Phul Singh Verma,, aged about 60 years,  
r/o Hathni Para, Bhatapara, District Raipur(C.G.)
2. Manohar Lal, aged about 48 years, S/o Kanhaiya Lal, r/o Mahasati  
Ward,Bhatapara, District Raipur (C.G.)

**PETITIONER**

**A N D**

1. State of Chhattisgarh, through the Secretary, Department of Urban  
Development, Mantralay,D.K.S.Building, Raipur (C.G.).
2. The Director, Town Planning And Dev Development.Chhattisgarh,  
Raipur (C.G.).
3. Collector, Raipur (C.G.).

**RESPONDENTS**

**WRIT PETITION UNDER ARTICLE 227 OF THE**  
**CONSTITUTION OF INDIA**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

## आदेश पत्रक

मामला क्रमांक W.P. 3821/84 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><b><u>29-10-2004</u></b></p> <p>On a mention being made, the case is taken up for hearing.</p> <p>Shri Vishnu Koshta, counsel for the petitioners.</p> <p>Shri N.K. Agrawal, Deputy Advocate General for the State.</p> <p>Shri Sanjay K. Agrawal, counsel for the intervener.</p> <p>The petitioners have preferred this petition under Article 227 of the Constitution of India questioning the notification dated 22-9-2004, Annexure-P/1, issued by the Prescribed Authority i.e. Director, Town Planning and Development, Chhattisgarh, Raipur, whereby the Municipal Council, Bhatapara has been categorized as Scheduled Caste category instead of O.B.C. category for the post of the President.</p> <p>Brief facts of the petition are that Bhatapara Municipal Council was reserved as O.B.C. category for the post of the President on 19-8-2004 considering that the S.C. Population of Jamul is 20.66%, but later on, it was noticed by the Prescribed Authority that the said figures were incorrect. As per the correct figures, the S.C. Population of Jamul Municipal Council is 6.79%, whereas, S.C. population of Municipal Council, Bhatapara is 16.63%. Out of the total 28 Municipal Councils, 4 Municipal Councils were to be reserved as S.C. category. According to the correct figures of the population, the Municipal Council, Bhatapara comes at S. No.4, looking to the S.C. population. Accordingly, the decision dated 19-8-2004 was rectified and the impugned order dated 22<sup>nd</sup> September 2004 was issued which is under challenge.</p> <p>I have heard learned counsel for the parties.</p>	

## आदेश पत्रक

मामला क्रमांक ..... सन् 200

विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -२-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	<p>Learned counsel for the petitioner submits that without affording any opportunity of hearing to the petitioners, earlier decision dated 19-8-2004 was changed at the back of the petitioners which is contrary to law.</p> <p>I do not find any substance in this argument. During the course of arguments, learned counsel for the petitioners was not able to point out that the Municipal Council, Bhatapara does not come at S. No.4 as per the S.C. population of that Municipal Council. As the mistake which <sup>was</sup> <del>corrected</del> in the earlier decision dated 19-8-2004 came to the notice of the Prescribed Authority, that was rectified looking to the correct S.C. population of the Municipal Council, Bhatapara and of Jamul.</p> <p>Therefore, I do not find any illegality and infirmity in the order dated 22<sup>nd</sup> September 2004 passed by the Prescribed Authority, as such the petition is without any merit and the same is liable to be dismissed and it is dismissed at the admission stage itself.</p> <p>Consequently, M.(W.)P. No.4229/2004 and I.A. Nos.7877/2004 &amp; 7932/2004 also stand disposed of.</p>	<p>Sd/- L.C.Bhadoo Judge</p>

19/9/2004

[पीछे देखिये]