
(2009) 04 MP CK 0048
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1366 of 2009

Dalvinder Singh	Vs	APPELLANT
State of Madhya Pradesh and Others		RESPONDENT

Date of Decision : 02-04-2009

Acts Referred:

Citation : (2009) 04 MP CK 0048

Hon'ble Judges : U.C Maheshwari, J;Ramesh Surajmal Garg, J

Bench : Division Bench

Advocate : Rajendra Gupta, for the Appellant; Samdarshi Tiwari, for Respondents 1 to 4 and Manoj Choubey, for the Respondent

Judgement

R.S. Garg, J.—The order dated 23.1.2009 passed by the State Minister, Panchayat Avam Gramin Vikas Vibhag is perused.

2. After hearing learned Counsel for the parties, we are of the opinion that the learned State Minister was not justified in vacating the interim order granted by the Additional Commissioner, Jabalpur.

3. It is to be seen that if there is no stay order in favour of the petitioner then he shall be obliged to deposit the amount and on his failure, he shall be sent to Civil Jail, which may make his appeal infructuous.

4. Taking into consideration the totality of the circumstances, we set aside the order passed by the State Minister and hereby direct that the effect & operation of the order so far as it relates to recovery of money is concerned, shall remain in abeyance till final disposal of the matter pending before the Additional Commissioner, Jabalpur. It is clarified that the petitioner would not be entitled to exercise any power or authority as Sarpanch.

5. The parties present in the Court shall now appear before the Additional Commissioner, Jabalpur on 15.4.2009 alongwith a copy of this order. The Additional Commissioner, Jabalpur shall dispose of the matter finally within the

period of fifteen days from the date of appearance of the parties.

6. The writ petition is disposed of finally.

7. Certified copy of this order must be supplied today itself to the parties.