



**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

**CRMP No. 563 of 2023**

Shri Ashwini Kumar S/o Late Shri Dhanad Ram Dadsena Aged About 59 Years R/o - Purani Basti, Balodabazar, District : Balodabazar-Bhathapara, Chhattisgarh

---- **Petitioner**

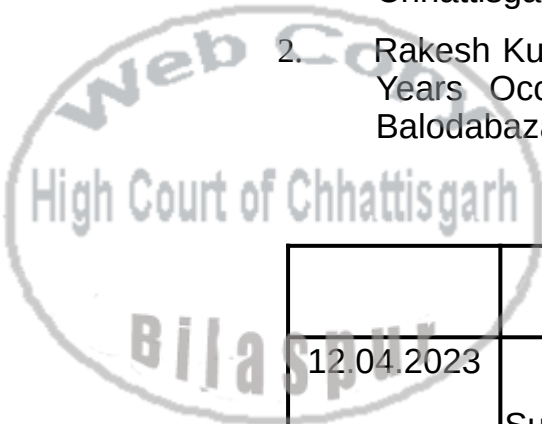
**Versus**

1. State of Chhattisgarh Through, Station House Officer, Police Station - Baloda, District : Balodabazar - Bhathapara, Chhattisgarh

2. Rakesh Kumar Soni S/o Late Gopal Prasad Soni Aged About 51 Years Occupation Deputy Engineer, Nagar Palika Parishad Balodabazar, District : Balodabazar-Bhathapara, Chhattisgarh

---- **Respondents**

12.04.2023	<p>Ms. Anuja Sharma under the instructions of Ms. Supriya Upasne, counsel for petitioner.</p> <p>Mr. Priyanshu Gupta, P.L. for Respondent-State.</p> <p>Heard.</p> <p>Issue notice to respondents.</p> <p>Mr. Gupta, learned State counsel accepts notice on behalf of respondent No. 1, hence, PF is not required to be paid for issuance of notice to this respondent.</p> <p>On payment of process fee, issue notice to Respondent No. 2. PF be paid as per rules. Notice be made returnable within three weeks.</p> <p>Also heard on I.A. No. 01/2023, which is an</p>





application for grant of interim relief.

Learned counsel for petitioner submits that according to the Chhattisgarh Municipal Corporation and Municipalities (Registration of Colonizer, Terms and Conditions) Rules, 2013, framed in exercise of power conferred under different sections including Section 339-C of the Chhattisgarh Municipalities Act, 1961, the competent authority to lodge complaint is Chief Municipal Officer in case of Municipal Council. The complaint in question is not lodged by the Chief Municipal Officer but by Dy. Engineer who is not the competent authority. He contended that according to the provisions under Municipal Council Act, the report is to be lodged within one year from the date of getting into knowledge, whereas the complaint lodged is much after the prescribed period.

Considering the submissions made by learned counsel for petitioner, purely as an interim measure it is directed that the proceedings pursuant to the F.I.R. No. 111/2023 registered at police station Baloda, District Baloda Bazar shall remain stayed till the next date of hearing.

As prayed, list this case along with Cr.M.P. No. 594 of 2023.

Certified copy as per rules.

Balram

**Sd/-**  
**(Parth Prateem Sahu)**  
Judge