

Surendra Kumar Bhandarkar Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jul-09-2012

Appellant : Surendra Kumar Bhandarkar

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sanjay Jain

Judgement :

W.P.No.8692/2012 (Surendra Kumar & ORS.versus State of M.P.& Ors.)
09.07.2012 Heard Shri Sanjay Jain, learned counsel for the petitioners on the question of admission and interim relief.

The petitioners have filed this petition being aggrieved by the fact that the respondent authorities without conducting a proper proceeding or getting the matter adjudicated by the Arbitrator as required by clause 8 of the agreement dated 03.10.2008 (Annexure P-1) are proceeding to recover certain amount from the petitioners under Section 92 of the M.P.Panchayati Raj Avam Gram Swaraj Adhiniyam, 1993 It is however, apparent from a perusal of the record that the petitioners have not filed any applications before any of the authorities for stay or for referring the matter for arbitration or has an appeal been filed by them and they have directly approached this court by filing the present petition.

In the circumstances, the petition filed by the petitioners is disposed of with a liberty to the petitioners to take up proceedings before the Collector in accordance

with clause 8 of the agreement dated 03.10.2008(Annexure P-1) or in accordance with the statutory provisions of the M.P.Panchayati Raj Adhiniyam.

It needs no W.P.No.8692/2012 (Surendra Kumar & ORS.versus State of M.P.& Ors.) emphasis to state that in case the petitioner does so the authorities shall deal with the matter expeditiously It is made clear that this court has not expressed any opinion on the merits of the case and therefore the authorities would be at liberty to take up proceedings on the representation, if any filed by the petitioner in accordance with law.

With the aforesaid direction/liberty, the petition filed by the petitioners stand disposed of.

C.C.as per rules.

(R.S.Jha) Judge gn

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