

Salet Singh Vs. Bali Singh

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Court : Allahabad

Decided On : Jun-25-1947

Reported in : AIR1948All114

Appellant : Salet Singh

Respondent : Bali Singh

Judgement :

ORDER

Malik, J.

1. The mukhia of a certain village having died, four persons sought to be appointed in his place. The Sub-Divisional Magistrate passed orders appointing one of them. One of the unsuccessful candidates went to the Additional District Magistrate in revision. The Additional District Magistrate has now made this reference to this Court, suggesting that the order passed by the Sub-Divisional Magistrate appointing the mukhia should be set aside.

2. Mr. L.M. Roy has opposed this reference on the ground that no revision lies and the order passed by the Sub-Divisional Magistrate was an executive order. A mukhia is appointed under Sub-section (3) of Section 45, Criminal P.C., and in accordance with the rules framed by the Provincial Government which are contained in chap. 3 of the Manual of Government Orders, vol. 1 it has been already held in In the matter of Damma ('07) 29 All. 563 that such an order is an.

executive order and no revision can be entertained under Section 435, Criminal P.C. If the order was not revisable obviously no reference could be made to this Court. The reference is, therefore, rejected.

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