

The M.P. Panchayats (Appeal and Revision) Rules, 1995

MADHYA PRADESH

India

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Rule

THE-M-P-PANCHAYATS-APPEAL-AND-REVISION-RULES-1995 of 1995

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The M.P. Panchayats (Appeal and Revision) Rules, 1995 Published vide Notification No.

B-1-15-95-P-2-22, dated 28-3-1995, M.P. Rajpatra (Asadharan) dated 29-3-1995 at pp. 310 (1)-(3) In exercise of the powers conferred by the sub-section (1) of Section 95 read with Section 91 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by the sub-section (3) of the Section 95 of the said Act, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Panchayats (Appeal and Revision) Rules, 1995.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (1 of 1994); (b) "Section" means a section of the Act;

3. Appeal and appellate authorities.

- Save where it has been otherwise provided in the Act or rules or bye-laws made thereunder, an appeal shall lie, -(a) in the case of an order passed by the Sub-Divisional Officer under any provision of the Act or rules or bye laws made thereunder to the Collector; (b) in the case of an order passed by the Collector under any provision of the Act or rules or bye laws made thereunder to the Commissioner; (c) in the case of an order passed by the Commissioner or Director of Panchayats to

the State Government;(d)in the case of an order passed by the Panchayat specified in Column (1) of the Table below to the authority specified in the corresponding entry in Column (2) thereto.

(1)	(2)
(a) Gram Panchayat	Sub-Divisional Officer.
(b) Janpad Panchayat	Collector.
(c) Zila Panchayat	Commissioner.

4. Limitation of appeal.

(1)No appeal shall lie to the appellate authority under Rule 3 after the expiration of thirty days from the date of the order against which the appeal is made.(2)The appellate authority may admit an appeal after the expiry of thirty days referred to in sub-rule (1), if it is satisfied that there was sufficient cause for not presenting it within that period.

5. Revision.

(1)(a)The State Government, the Commissioner, the Director of Panchayat, the Collector may on its/his own motion or on the application by any party, at any time for the purpose of satisfying itself/himself as to the legality or propriety of any order passed by or as to the regularity of the proceeding of, the authority subordinate to it/him call for and examine the record of any case pending before, or disposed of by, such authority and may pass such order in reference thereto as it/he may think fit :Provided that it/he shall not vary or reverse any order unless notice has been served on the parties interested and opportunity given to them for being heard :Provided further that no application for revision shall be entertained against an order appealable under the Act.(b)An application for revision by any party shall only be entertained if it is on the point of law and not on facts.(2)Notwithstanding anything contained in sub-rule (1),-(i)Where proceedings in respect of any case have been commenced by the State Government under sub-rule (1), no action shall be taken by other Officer mentioned in the said sub-rule in respect thereof: and(ii)Where proceedings in respect of any such case have been commenced by the Officer mentioned in sub-rule (1), the State Government may either refrain from taking any action under this rule in respect of such case until the final disposal of such proceeding by such officer or may withdraw such proceeding and pass such order as it may deem fit.

6. Limitation for revision.

(1)No application for revision shall be entertained under sub-rule (1) of Rule 5 after the expiration of 60 days from the date of the order.(2)The revisional authority may admit application for revision after expiry of sixty days if it is satisfied that there was sufficient cause for not presenting it within that period.

7. Form of appeal or application for revision.

- An appeal or application for revision under these rules shall be in the form of memorandum setting forth concisely the grounds of objection to the order against which appeal or application for revision is preferred and shall be accompanied by a certified copy of such order.

8. Stay of execution of orders or decision.

- The appellate or revisional authority referred in Rules 3 and 5 may stay execution of the order appealed against pending the decision of the appeal or application for revision.

9. Power of appellate or revisional authority.

- The appellate or revisional authority after giving an opportunity to parties to be heard and after such further enquiry, if any, as it may deem necessary subject to the provisions of the Act and the rules made thereunder, may confirm, vary or set aside the order or decision appealed against.

10. Costs.

- The appellate or revisional authority may award such costs to the parties as it may deem proper.

11. Repeal.

- The previous rules on the subject shall stand repealed on the date of final publication of these rules in the "Madhya Pradesh Gazette".