

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 65 OF 2015

1. K.P. Pradhan S/o Shri Banshidhar Pradhan, aged about 58 yrs
2. Nishant Pradhan S/o K.P.Pradhan, aged about 23 Years,
Both are R/o Shanti Nagar, Ward No.2, Baghbahara, District
Mahasamund, Civil & Revenue District Mahasamund (C.G.)

... Appellants

Versus

1. State of Chhattisgarh, through Principal Secretary, Mantralaya
Mahanadi Bhawan, New Raipur (C.G.)
2. Rekhraj Dhruv S/o Shiv Prasad, aged about 32 years, R/o
Village Chingariya, P.O. Deori, P.S. Komakhan, Tah.
Baghbahra District Mahasamund (C.G.)
3. District Collector, Mahasamund, District Mahasamund (C.G.)
4. Sub Divisional Officer, Mahasamund, District Mahasamund (CG)
5. Tahsildar Bagbahara, District Mahasamund (C.G.)
6. Superintendent of Police, Mahasamund, District Mahasamund
(C.G.)

... Respondents

For Appellants	:	Mr. S.K. Dadsena, Advocate.
For Respondents 1, 3, 4, 5 & 6	:	Mr. B. Gopa Kumar, Dy. A.G.
For Respondent 2	:	Mr. D.K. Wankhede, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

21/07/2015

1. The present Appeal arises from order dated 15.12.2014 in Writ
Petition (C) No. 2058 of 2014 filed by Respondent 2. The Appellants
were impleaded as Respondents 5 and 6.
2. The Appellants had also filed Writ Petition (C) No.1574 of 2014
in which Respondent 2 was impleaded as Respondent 9.

3. Learned Counsel for the parties are not in dispute that both the Writ Petitions had been directed to be heard together by the Learned Single Judge. Writ Petition (C) No. 1574 of 2014 came to be dismissed for non-prosecution on 10.12.2014. Subsequently, restoration application was filed and the Writ Petition has been restored to file for consideration on merits, as was submitted on behalf of the Appellants.

4. After Writ Petition (C) No. 1574 of 2014 was dismissed for non-prosecution on 10.12.2014, Writ Petition (C) No. 2058 of 2014 from which the present Appeal arises, was disposed without notice to the Appellants presumably because it was being heard originally along with Writ Petition (C) No. 1574 of 2014 which in the meantime got dismissed for non-prosecution.

5. Since Writ Petition (C) No. 1574 of 2014 has been restored to file for consideration on merits, we consider it proper in the interest of justice to set aside the order under appeal, dated 15.12.2014, and remand Writ Petition (C) No. 2058 of 2014 to the Learned Single Judge for hearing along with Writ Petition (C) No. 1574 of 2014, as was directed earlier.

6. The Appeal is allowed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge