

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 437 of 2015**

Jaswant Singh Tyagi son of Mithan Singh Tyagi, aged about 65 years, R/o House No. 1562, Near Soni Floor Mill, Hanuman Nagar Road, Supela, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through: The Secretary, Department of Home Affairs, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The District Magistrate Durg, Durg Chhattisgarh.
3. The Sub Divisional Magistrate, Durg, District Durg, Chhattisgarh.
4. The Superintendent of Police, Durg, District Durg, Chhattisgarh.
5. The Station House Officer, P.S. Supela Bhatti, Bhilai, District Durg, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Uttam Pandey, Advocate.
For Respondents/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

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

Judgment on Board**Per Navin Sinha, Chief Justice****16/09/2015**

1. The present appeal assails order dated 20.7.2015 dismissing M.C.C. No. 374 of 2009 filed for restoring Writ Petition No. 1670 of 2002 to file for disposal on merits.
2. Considering that the cause of action was individual with regard to the alleged illegal seizure of his licensed fire arm, no public policy is involved and question of any third party rights having accrued does not arise, relying on (2013) 12 SCC 649 (Esha Bhattacharjee v. Managing Committee, Raghunathpur Nafar Academy) that substantive adjudication is always better than deciding the matter on mere technicalities when the Respondents may

continue to illegally retain the fire arm of the Petitioner, the order under appeal is set aside. Writ Petition No. 1670 of 2002 is restored to file for disposal on merits.

3. The writ appeal is allowed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE