

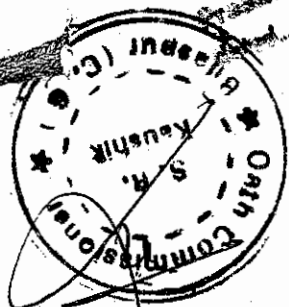
**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR**  
**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION**

**OF INDIA**

**W.P. (S) No. 163 /2015**

**PETITIONER :-**

- 1) Bhajan Lal Gupta S/o Ram Prasad Gupta, Aged about- 68 years, R/o Banaras Chowk, Jawahar Market Ambikapur, Post, Tahsil & District - Ambikapur (C.G.)
- 2) Rajiv Deshmukh S/o Late Shri K.T. Deshmukh, Aged about-55 years, R/o Behind Veterinary Hospital, Bauripara Ambikapur, Post, Tahsil & District - Ambikapur (C.G.)
- 3) Umesh Chandra Singh S/o Shri S.B. Singh, Aged about - 54 years, Kshatriya Niwas Ring Road Bauripara, Ambikapur, Post, Tahsil & District - Ambikapur (C.G.)
- 4) Hemraj Bagde S/o Late Shri Nathuji Bagde, Aged about - 62 years, R/o Trimurti Bhawan, Nagdaune Colony Vyapar Vihar Road Bilaspur, Tahsil & District-Bilaspur (C.G.)
- 5) Jagendra Singh Chandel S/o Late Shri Dalchand Chandel, Aged about-56 years, A-18 Rawat Residency, Manendragarh Road Ambikapur, District-Surguja (C.G.)
- 6) Bhagwan Das Vishwakarma S/o Shri Har Prasad Vishwakarma, Aged about-58 years, R/o Near B.E.O. Office Bauripara Ambikapur, Post, Tahsil & District - Ambikapur (C.G.)
- 7) Vishnu Kant Pandey S/o Late Shri <sup>Ramnarayan</sup> Naresh Pandey, Aged about-55 years, Quater No. G-4 Irrigation Colony Ring Road Ambikapur, District-Surguja (C.G.)
- 8) Mohd. Shaikh Ali S/o Shri Jumman Khan, Aged about-56 years, Quater No. H-3, Sinchai Colony



Gandhi Nagar Banaras Road Ambikapur,  
District-Surguja (C.G.)

9) Pankaj Kumar Vyas S/o Shri S.R. Vyas, Aged  
about-56 year, R/o Rawat Residency,  
Manendragarh Road Ambikapur, District-  
Surguja (C.G.)

10) Ramjee Pateriya S/o Shri Nanbulal Pateriya,  
Aged about – 56 years, Near Collector Banglo,  
D.C. Road Ambikapur, District-Surguja (C.G.)

11) Arun Kumar Tiwari S/o Ramanuj Prasad Tiwari,  
Aged about-53 years, Rawat Residency  
Manendragarh Road Ambikapur, District-  
Surguja (C.G.)

Versus

RESPONDENTS: -

- 1) State of Chhattisgarh  
Through the Secretary,  
Water Resources Department,  
D.K.S. Bhavan, Raipur (C.G.)
- 2) The Engineer-In-Chief,  
Water Resources Department,  
Raipur (C.G.)
- 3) State of Madhya Pradesh,  
Through the Secretary,  
Water Resources Department,  
Vallabh Bhawan, Bhopal (M.P.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF  
INDIA FOR ISSUANCE OF WRIT / WRITS DIRECTION/DIRECTIONS,  
ORDER/ORDERS ETC.



22/1/15

AS

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Single Bench:** Hon'ble Shri Justice P. Sam Koshy

**Writ Petition (S) No. 163 of 2015**

**Petitioner** Bhajan Lal Gupta and others

**VERSUS**

**Respondents** State of Chhattisgarh and others

**Present:** Shri KA. Ansari, Sr. Advocate with Shri Devesh Kela, counsel  
for the petitioners.  
Shri PK. Bhaduri, GA for the State.

**Oral Order**  
**(21.01.2015)**

Shri Ansari submits that the petitioners in the instant petition, have already got an order in their favour by the writ court in an earlier round of litigation i.e. W.P. No.160/2002 vide judgment dated 20.02.2006 and the said order has attained finality. At this juncture, he submits that though the petitioners have filed a contempt petition for non-compliance of the order dated 20.02.2006 but the same has been dismissed and the fact remains that till date, the order dated 20.2.06 has not been implemented by the State Government and it is for these reasons that the present writ petition has been filed with a prayer that the State should comply with the order at the earliest.

2. Needless to mention that the settled position of law is that the writ petition for execution of earlier judgment in a writ petition would not be maintainable. At this juncture, Shri Ansari submits that he does not want to press the writ petition on merits and prays that he may be directed to withdraw the petition with a liberty to approach the respondents by way of a fresh representation claiming the right which the petitioners have accrued in their favour by virtue of order passed in WP. No.160/02 dated 20.02.2006.

3. To this, the State counsel does not have any objection.

4. Accordingly, the instant Writ Petition stands dismissed as withdrawn with liberty to the petitioners to approach the respondents by way of making a fresh representation and on such representation being made, the same may be considered on its own merits at the earliest, preferably within a period of 6 months.

**Sd/-**  
**P. Sam Koshy**  
**Judge**