

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1568 of 2016

1. Prakash Sharma S/o Shri Nirmal Kumar Sharma, Aged About 36 Years R/o Kayasth Para, Thakur Para, Behind Turi- Hatri, Purani Basti, Raipur (Chhattisgarh)
2. Smt. Nitu Sharma Wd/o Late Chhail Bihari Sharma, Aged About 37 Years R/o Kayasth Para, Thakur Para, Behind Turi- Hatri, Purani Basti, Raipur (Chhattisgarh)

---- Petitioner

Versus

1. The Office Of District & Sessions Judge Raipur (Chhattisgarh), Through Incharge Officer, Nazarat Branch, For The Office Of District & Sessions Judge, Raipur District Raipur (Chhattisgarh)
2. Raipur Zila Civil Court Karamchari Kalyan Samiti, Raipur (Chhattisgarh), Through The Secretary, Karmachari Kalyan Samiti, Raipur, District Raipur (Chhattisgarh)

---- Respondent

For Petitioners

Shri B. P. Sharma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/06/2016

1. The brother of the petitioner No.1 and the husband of the petitioner No.2 namely, Chhail Bihari Sharma was managing the cycle stand in the premises of District Court, Raipur. It is contended that Late Chhail Bihari Sharma was authorized by the Raipur District Civil Court Employees Welfare Society, Raipur to manage the cycle stand. Mr. Chhail Bihari Sharma died on 23.11.2015 and during his life time, no show cause notice was ever issued to him about mismanagement or charging of higher fee from the users of the cycle stand. On the

complaint of one Bhupendra Singh, an *ex parte* enquiry was conducted, wherein the petitioners were not provided any opportunity of hearing and based on finding of the said enquiry, the District Judge directed the Society to relieve the petitioners from the management of the cycle stand.

2. It is argued that the petitioners, being the legal heirs of Late Chhail Bihari Sharma, were operating the cycle stand, therefore, they had a right of hearing and such denial is in violation of principles of natural justice.
3. Admittedly, the agreement in favour of Late Chhail Bihari Sharma had already expired without there being any express order of renewal nor there is any communication issued by the Society or by the District Judge in favour of the petitioners authorizing them to operate and manage the cycle stand. In this view of the matter, the petitioners were not at all authorized to run the cycle stand and thus they had no right of hearing either by the Society or by the District Judge. The petitioners have no locus to run the cycle stand or maintain this petition, as there was no privity of contract between them and the Society or the District Judge.
4. The writ petition being devoid of any substance, it deserves to be and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA