

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 487 of 2016

1. Executive Engineer, Project Implementation Unit No.2, Chhattisgarh Rural Road Development Agency, Rajnandgaon, Chhattisgarh
2. Superintending Engineer, Chhattisgarh Rural Road Development Agency, Project Circle Rajnandgaon, Chhattisgarh
3. Executive Engineer-cum-Member Secretary, Project Implementation Unit No.2, Pradhan Mantri Gram Sadak Yojna, District Rajnandgaon, Chhattisgarh
4. Chief Executive Officer, Chhattisgarh Rural Road Development Agency, Civil Lines, Raipur, Chhattisgarh

---- Petitioners

Versus

1. M/s. Sanjay Agrawal Partnership Firm, Head Office at Millennium Plaza, Through Shri Sanjay Agrawal S/o Late Shri Ramavtar Agrawal, R/o 9th South Avenue, Choubey Colony, Raipur, Chhattisgarh
2. State of Chhattisgarh, Through Collector, Raipur, Tehsil Raipur, Civil and Revenue District Raipur, Chhattisgarh

---- Respondents

Shri R.S. Marhas, counsel for the petitioners.
Shri Raja Sharma, counsel for respondent No.1.
Shri Ashish Surana, P.L. for respondent No.2.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/11/2016

1. Learned counsel appearing for the petitioners would submit that civil suit filed by respondent No.1 is not maintainable and barred under Section 20 of the Chhattisgarh Madhyastham Adhikaram Adhiniyam, 1983. He would further submit that application filed by the petitioners under Order 7 Rule 11 of the CPC on 5.12.2015 is not being decided.
2. On the other hand, learned counsel appearing for respondent No.1 would submit that the writ petition as framed and filed is not maintainable.

He would reply upon the judgment of the Supreme Court in the matter of Jacky Vs. Tiny alias Antony and others¹.

3. At this stage, learned counsel appearing for the petitioners would submit that he is only confining his petition that direction be issued to the trial Court to decide the application filed by the petitioners under Order 7 Rule 11 of the CPC.

4. In view of the prayer made by learned counsel for the petitioners, the trial Court is directed to consider the petitioners application filed under Order 7 Rule 11 of the CPC expeditiously.

5. With the aforesaid observation, the writ petition stands disposed of. It is made clear that this Court has not expressed any opinion on merits of the case and the trial Court would decide the application in accordance with law on its own merit expeditiously.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-

¹ (2014) 6 SCC 508