

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT APPEAL NO. 51 OF 2017

1. The Superintendent Engineer (Civil), DB Power Limited Bada Darha, P.S. & Tahsil Dabhra, District Janjgir Champa (C.G.)

2. The Superintendent Engineer (Civil), DB Power Limited Badadarha, P.S. & Tahsil Dabhra, District Janjgir Champa (C.G.). (wrongly mention by the petitioner in writ petition as no such post is in existence)

Through : D. B. Power Limited, having its Registered Office at : Block 1 A, Corporate Block, D B City Park, Area Hills, Opp. M P Nagar, Zone-I, Bhopal 462016 Madhya Pradesh.

Corporate Office :- 3rd Floor, Naman Corporate Link, Opp. Dena Bank, C-31, G-Block, Bandrakurla Complex, Bandra (E), Mumbai 400051.

Represented By : Satyendra Pratap Singh, S/o. Shri Mahendra Pratap Singh, 35 Years, working as Manager (Land & Liaison) at D B Power Ltd. 2nd Floor Shree Krishna Complex, Chatanaiya Nagar, Dhimerapur Road Raigarh District Raigarh (C.G.)

... Appellants

Versus

1. State of Chhattisgarh, through Secretary, General Administrative Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)

2. The Collector, Raigarh, District Raigarh (C.G.).

3. The Sub Divisional Officer (R), Kharsia, District Raigarh (C.G.)

4. The Chief Engineer (Civil Project), Chhattisgarh State Power Generation Company Ltd., Raipur (C.G.)

5. Antram Patel, S/o Shri Tejram Patel, aged about 51 years, R/o Village Chhote Devgav, P.S. and Tahsil Kharsia, District Raigarh (C.G.)

... Respondents

For Appellants	:	Dr. N.K. Shukla, Senior Advocate, assisted by Mr. Shailendra Shukla, Advocate.
For Respondent 4	:	Mr. Raja Sharma, Advocate.
For Respondent 5	:	Mr. Jeet Patel, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Thottathil B. Radhakrishnan, C.J.

01/05/2017

1. We have heard learned Counsel for the Appellants, learned Counsel for Respondent No.4 and learned Counsel for Respondent No.5 who was the Writ Petitioner.

2. Learned Counsel for the Appellants says that the Writ Petition was filed suppressing relevant material facts. He points out that the Petitioner's property was not acquired and that it is a purchased property.

3. We think that no such issue calls for adjudication in the Writ Appeal at all. All that the learned Single has done, is to direct the consideration of the representation by Respondents No. 5 and 6 in the Writ Petition. It has also been clarified through the impugned order that the learned Single Judge has not expressed any opinion on the merits of the case. This means that the issue mentioned of in the so called representation is entirely within the domain of Respondents No. 5 and 6 in the Writ Petition. It is for them to take a final decision thereon even by stating whatever reasons they have in support of the decision that they make take.

4. In this view of the matter, this Writ Appeal is closed affirming the order of the learned Single Judge.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge