

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1990 of 2017**

(Arising out of judgment/order dated in Case No. of the learned.....)

Bharat Joshi, aged about 43 years, S/o Mr.Jadulal, resident of Village Thuha, Tehsil Kurud, Dist. Dhamtari (CG)

---- Petitioner**Versus**

- 1.** State Of Chhattisgarh through the Secretary, Ministry of Panchayat, Mahanadi Bhawan, New Raipur (CG)
- 2.** Chief Executive Officer, Janpad Panchayat Kurud, District Dhamtari, Chhattisgarh.
- 3.** Sub Divisional Officer (Revenue), Kurud, District Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr.Raza Ali, Advocate
For Res.No.1 and 3	:	Mr.Majid Ali, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/08/2017**

1. Learned counsel for the petitioner would submit that without giving reasonable opportunity of hearing the order of recovery has been passed against the petitioner, therefore, the impugned order deserves to be set aside.
2. On the other hand, learned State Counsel would submit that notices were issued to the petitioner on 27.5.2015 and 17.6.2015.

3. I have heard learned counsel for the parties and perused the documents.
4. A careful perusal of the documents would show that in those notices the Sub Divisional Officer, Kurud has already formed an opinion that ₹ 4,00,631 is outstanding against the petitioner. Such a finding has been recorded without giving an opportunity of hearing to the petitioner.
5. Be that as it may, the Sub-Divisional Officer, Kurud is directed to issue fresh notice to the petitioner and after hearing the petitioner/filing reply the Sub-Divisional Officer will take fresh decision as to the liability of the petitioner within a period of three months and thereafter to proceed strictly in accordance with law after passing the fresh order ignoring its earlier opinion/order regarding the petitioner's liability.
6. With the aforesaid observation, the writ petition finally stands disposed of.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-