

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Civil) No. 2129 of 2017**

Girdhari Saraf, son of Late Shri Hira Lalji Saraf, aged about 45 years, resident of Talghani Naaka, District Raipur, Chhattisgarh, Proprietor, M/s. N.G. Associates, Registered Office – Talghani Naaka, Station Road, District – Raipur (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh, Through Secretary, Tribal & Scheduled Caste Development Department, Room No. S-4, Mahanadi Bhawan, New Raipur, District – Raipur (C.G.)
2. Commissioner, Tribal & Scheduled Caste Development Department, Block-D, Ground Floor, Indrawati Bhawan, New Raipur, District – Raipur (C.G.)
3. Assistant Commissioner, Tribal Development, O/o Collector (Tribal Development), Old Collectorate, Janjgir, District – Janjgir Champa (C.G.)
4. Collector, Janjgir, District Janjgir-Champa (C.G.)
5. Lakshmi fly Ash Bricks, Kotmi, Tehsil – Dabhra, District – Janjgir-Champa (C.G.), Through its Proprietor: Shri Manish Choudhary
6. Uma Shankar Warren, through the Assistant Commissioner, Tribal Development, O/o Collector (Tribal Development), Old Collectorate, Janjgir, District Janjgir-Champa (C.G.)

---- **Respondents**

For Petitioner : Mr. Amrito Das, Advocate.
 For State : Mr. Dheeraj Wankhede, Govt. Advocate.
 For Respondent No. 3 : Mr. B.M. Roy, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/08/2017

- (1) Learned counsel appearing for the petitioner would submit that the Additional Commissioner, Tribal Welfare, Janjgir-Chama has directed the petitioner to pay amount of Rs. 2,50,000/- to respondent No. 5 and

Rs. 6,43,000/- to respondent No. 6.

(2) Learned counsel for the petitioner would submit that there is commercial transaction dispute between the petitioner & respondents No. 5 & 6 and the petitioner has been directed to pay the outstanding amount despite there being no documents to establish non-payment of dues by the petitioner, which is unsustainable and without authority of law.

(3) Per contra, counsel for the State would oppose the writ petition and support the impugned orders.

(4) I have heard learned counsel appearing for the parties and perused the orders impugned with utmost circumspection.

(5) The respondents No. 5 & 6 have executed some work to the petitioner but some amount is due against the petitioner and in favour of respondents No. 5 & 6, that can be recovered strictly in accordance with law, which the Additional Commissioner has no jurisdiction to direct payment of the outstanding amount as according to the petitioner there is no due outstanding.

(6) In view of above, impugned orders dated 31.03.2017 (Annexures P-1) & 29.04.2017 (Annexure P-2) are liable to be and are hereby dismissed.

(7) Accordingly, the writ petition is allowed to the extent indicated hereinabove. However, it will not be bar to the respondents to recover the amount, if any.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

