

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 439 of 2017

(Arising out of order dated 20.09.2017 in WPC- 2580 of 2017)

- Girja Shankar Dubey S/o Late Bisahu Prasad Dubey, Aged About 42 Years R/o Village Kalkasa, Post Malighori, Tehsil Dondilohara, District Balod, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Urban & General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Director, Urban And Administration Department, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. Deputy Director, Urban And Administration Department, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh.
4. Collector, Balod, District Balod Chhattisgarh
5. Nagar Panchayat Dondilohara, Through Chief Municipal Officer, Nagar Panchayat Dondilohara, District Balod, Chhattisgarh.

----Respondents

For Appellant	: Smt Hamida Siddiqui, Advocate
For Respondent/State	: Shri RK Gupta, Deputy Advocate General
For Respondent- 5	: Shri HB Agrawal, Senior Advocate with Shri Pankaj Agrawal, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

15.11.2017

1. Heard the learned counsel for the appellant, the learned Deputy Advocate General and the learned standing counsel for respondent- 5.
2. This Writ Appeal is instituted seeking relief regarding alleged non-payment of bills outstanding. The learned Single Judge has relegated the Writ Petitioner to the District Collector, Balod. It appears that there is

an issue between the parties as to whether certain royalty amounts have been deducted or not. The District Collector is the representative of the Revenue. Since the learned Single Judge has directed the matter to be decided by the Collector, it will be open to that authority to consider this issue specifically and if found feasible, direct the contract authority, namely, the Nagar Panchayat, Dondilohara, to effect deductions of the royalty amounts, if any due, and then release the remaining portions. Though we indicate this procedure, it is up to the Collector to decide as to what would be feasible in terms of the instant rules and practice precedents. The Collector will take a decision on all relevant aspects of the matter within an outer limit of 45 days from the date of receipt of copy of this judgment. Writ Appeal is ordered accordingly in modification of the impugned judgment.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge