

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 4822 OF 2012**

Victor Minj, S/o Gabriel Minj, aged about 53 years, R/o W.R.D. Construction Sub Division No.1, Thana Gamdi Nagar, Ambikapur, District Surguja (CG) PIN 497001

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Department of Water Resource Department, D.K.S. Bhawan, Raipur (CG)
2. Chhattisgarh Lok Ayog, through Chief Lokayukt, C.G. Lok Ayog, Raipur.
3. Executive Engineer, Rural Engineering Service Division, Janjgir, District Janjgir-Champa (CG)
4. Executive Engineer, Minimata, Bango Nagar, Division No.5, Kharsiya, District Raigarh.
5. Mr. B.L. Arya, Executive Engineer, S/o K.P. Arya, Office of the Chief Engineer, Mahanadi Reservoir, Project, Thana, Shankar Nagar, Raipur (CG)
6. Ram Krishna Gabel, S/o Nankiram Gabel, aged 40 years, Village-Janjar, Tahsil- Sakti, District Janjgir-Champa (CG) PIN 495689
7. Director, Command Area Development and Water Manager (CADWM) Program, New Delhi.

... Respondents

For Petitioner	:	Mr. Mahesh Mishra, Advocate
For Respondents 1, 3 & 4:		Mrs. Astha Shukla, Panel Lawyer.
For Respondent 2	:	Mr. Umesh Verma, Advocate, under instructions of Mr. Sumesh Bajaj, Advocate.
For Respondent 5	:	Mr. Pawan Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/09/2018**

1. Challenge in the present writ petition is to the order dated 17.9.2012, Annexure P-1, passed by respondent no.2 and there is also a challenge to the order dated 4.10.2012, Annexure P-14, which is an order seeking recovery from the petitioner.
2. At the outset, learned counsels appearing for the respective parties make a submission that the two orders were already put to test before this Court by another petitioner namely G.S. Thakur vide Writ Petition (S) No. 5079 of 2012. This Court on 3.7.2018 allowed the said writ petition quashing only the order dated 4.10.2012 reserving the right of the respondents to

proceed further in accordance with law, as this Court had found that the order dated 4.10.2012 has been passed without issuance of any notice or an opportunity of hearing being granted to the petitioner.

3. Since a stand has already been taken in the aforesaid writ petition i.e. W.P.S. No. 5079/2012, this Court is inclined to take the same stand in the present writ petition as it is the same order under challenge in the present writ petition and the said order dated 4.10.2012 was also passed arising out of the same order passed by respondent no.2.

4. Accordingly, the present writ petition stands allowed in similar terms to the order passed by this Court on 3.7.2018 passed in W.P.S. No. 5079/2012, with consequences to follow.

**Sd/-
(P. Sam Koshy)
Judge**