

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 76 of 2018**

1. Sanjay Dagaur S/o Fagguram Dagaur, Aged About 42 Years Sihawa Chowk, Near Railway Station Dhamtari, Tahsil And District Dhamtari Chhattisgarh.
2. Dilip Sonkar S/o Ghasiyaram Sonkar, Aged About 45 Years Address Shihawa Chowk, Near Railway Station, Dhamtra, Tahsil And District Dhamtari Chhattisgarh.
3. Ikram Bhai S/o Afizuddin, Aged About 40 Years Address Shiawa Chowk, Near Railway Station, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.
4. Bhuvneshwar Sahu S/o Punitram Sahu Aged About 46 Years Address Sihawa Chowk, Near Railway Station, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.
5. Sibtain Raza S/o Ismail Raza, Aged About 40 Years Address Sihawa Chowk, Near Railway Station, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.
6. Mohd. Ajam Sheikh S/o Sheikh Fasuddin, Aged About 50 Years Address Sihawa Chowk, Near Railway Station, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.
7. Abdul Salam S/o Mohd. Salim, Aged About 32 Years Address Sihawa Chowk, Near Railway Station, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.
8. Jayanti Golchha S/o Late Manaklal Golchha, Aged About 45 Years R/o Balak Chowk, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.
9. Shivnarayan S/o Sadaram Aged About 48 Years R/o Industrial Ward No. 7, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.
10. Deendayal S/o Late Dukaluram, Aged About 70 Years Aydyogik Ward No. 7, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.

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1. Union Of India Through The Secretary, Ministry Of Railway, Rail Bhawan, New Delhi.
2. The Senior Section Engineer (Work), W.R.S. Raipur, District Raipur Chhattisgarh
3. The Divisional Railway Manager, South Eastern Central Railway, Raipur, District Raipur Chhattisgarh.
4. The Collector, Dhamtari, District Dhamtari Chhattisgarh.
5. Sub Divisional Officer (Revenue), Dhamtari, District Dhamtari Chhattisgarh.
6. The Tahsildar Dhamtari, District Dhamtari Chhattisgarh.

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For Appellant	: Shri Goutam Khetrapal, Advocate.
For Respondent/SECR	: Shri H.S. Ahluwalia, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, Judge
Order on Board

07/08/2018

Per Ajay Kumar Tripathi, Chief Justice

1. Heard counsel for the parties and perused the order dated 10.11.2017 passed by the learned Single Judge.
2. The learned Single Judge has dismissed the writ application refusing to interfere with the notice for eviction of the present Appellant from the Railway's property in question on the ground that the Appellant had already contested the issue before the civil court of competent jurisdiction and the suit was dismissed. Appeal against the said order also stood dismissed and then the previous writ petition being Writ Petition (C) No.113 of 2016 relating to the same issue has also been dismissed.
3. In this background, the learned Single Judge came to an opinion that the writ is required to be dismissed on the principles of *res judicata*, if not constructive *res judicata*.
4. The submission of counsel for the Appellant that notices can only be issued by the Estate Officer and not by any other officer of the Railways is a last ditch effort to get a foot hold to revive decided issues and continue over the land, which admittedly does not belong to him but to Union of India.
5. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Prashant Kumar Mishra)
JUDGE