

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 104 of 2018**

1. Suresh Kumar S/o Pratap Rai Mulwani Aged About 45 Years R/o Sihawa Chowk Dhamtari Tahsil And District Dhamtari Chhattisgarh.
2. Motiram S/o Videshram Vishwakarm Aged About 75 Years R/o Sihawa Chowk Dhamtari , Tahsil And District Dhamtari Chhattisgarh.
3. Jugal Kishore S/o Rameshwar Prasad Agrawal Aged About 52 Years R/ O Sihawa Chowk Dhamtari Tahsil And District Dhamtari Chhattisgarh
4. Murli S/o Shri Laxminarayan Aged About 27 Years R/o Sihawa Chowk Dhamtari Tahsil And District Dhamtari Chhattisgarh.

---- Appellants

Versus

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. The Commissioner, Municipal Corporation Dhamtari District Dhamtari Chhattisgarh.

---- Respondents

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 17.11.2017 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.
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