

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 107 of 2018**

1. State Of Chhattisgarh Through Secretary, Department Of Public Works, Mahanadi Bhawan, Mantralaya Naya Raipur, Post Officer Police Station Naya Raipur, District Raipur, Chhattisgarh
2. The Collector, Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. The Sub Divisional Officer (Revenue), Pamgarh, District Janjgir Champa, Chhattisgarh
4. The Executive Engineer, Public Works Department District Janjgir Champa, Chhattisgarh

---- Appellants

Versus

Kambal Aditya S/o S/o Late Shri Bisahu Ram Aditya, Aged About 75 Years R/o Sukul Para, Tahsil Pamgarh, District Janjgir Champa, Chhattisgarh.

---- Respondent

AND**WA No. 118 of 2018**

1. State Of Chhattisgarh Through Secretary Department Of Public Works, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Officer And Police Station Naya Raipur, District Raipur Chhattisgarh.
2. The Collector, Janjgir Champa, District Janjgir Champa Chhattisgarh.
3. The Sub Divisional Officer (Revenue), Pamgarh, District Janjgir Champa Chhattisgarh.
4. The Executive Engineer, Public Works Department, District Janjgir Champa Chhattisgarh.

---- Appellants

Versus

Ishwari Prasad Yadav S/o Chatte Ram Yadav Aged About 55 Years R/o Sukul Para, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh.

---- Respondent

For Appellants/State: Shri Y.S. Thakur, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Judgment On Board

Per Thottathil B. Radhakrishnan, Chief Justice

26/02/2018

1. These writ appeals are by the State of Chhattisgarh. We have heard the learned Additional Advocate General. The Government is challenging the order of costs imposed by the learned Single Judge while deciding the writ petition in favour of the State. The challenge levied in a matter relating to contract was rejected. However, the learned Single Judge thought it appropriate to impose an order of costs as against the State, for reasons stated in the impugned order. The plea of the State is that the order of costs ought not to have been passed.
2. Imposing orders of costs in writ jurisdiction is essentially a discretionary matter, which need not necessarily depend upon the success of the writ petition. There are various factors which govern imposition of costs by the writ Court. Once that power is exercised, it ought not be interfered through an appeal unless the situation could be treated as one which did not warrant any such exercise at all. We are not inclined to take the view that the learned Single Judge was unjustified in imposing an order for costs as against the State, in the case in hand.

3. The learned Single Judge has also left it to the State Government to effect the recovery of costs from the officers, if it is so advised. On this premise also, we do not see any illegality.
4. In the result, these writ appeals fail and is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge