NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1932 of 2018

S.P.Dubey S/o Late Shri Ram Krishna Dubey, aged about 61 years, R/o Near Bhagwa Mandir, Daihanpara, Vivekanand Marg, Old Sarkanda, Bilaspur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through – The Secretary, Department of Forest, Mahanadi Bhawan, Post Office Mantralaya, P.S.Rakhi, Naya-Raipur, District Raipur (C.G.).
2. The Chief Conservator of Forest, Circle-Bilaspur, Bhakt Kawar Ram Gate, Sindhi Colony, District Bilaspur (C.G.).
3. The Division Forest Officer, Mungeli, Majhgaonpara, Mungeli, District Mungeli (C.G.).

---Respondents

For petitioner : Shri Vipin Tiwari, Advocate.
For State : Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/03/2018

1. The State counsel submits that the instructions from the State authorities have till date not received though letters from the office of Advocate General has been sent.

2. This Court does not intend to keep the Writ Petition pending for such small matters.

3. The grievance of the petitioner is that the respondents had on 22/12/2014 and 10/01/2015 issued order of recovery to the tune of Rs.1,56,338/-. The petitioner had immediately preferred an appeal before the respondent No.2 i.e. the Chief Conservator of Forest, Circle Bilaspur on

11/04/2015 which till date has not been decided by the respondent No.2. The counsel for the petitioner submits that initially, the authorities had also stayed the recovery proceedings pending the appeal before the Chief Conservator, but subsequently now vide order dated 24/01/2017, without any further development on the appeal have again ordered for initiating the recovery proceedings.

4. Given the said facts and circumstances this Court is of the opinion that ends of justice would meet if the petition is disposed off with a direction to the respondent No.2 to consider and decide the appeal of the petitioner which has been filed by him against the two orders of recovery on merits at the earliest preferably within a period of 60 days from today.

5. Since the appeal is pending consideration before the respondent No.2 as stated by the petitioner, the recovery which has been proposed against the petitioner shall not be acted upon till the appeal is decided.

6. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit