

WPC No.7124 of 2010

Rajesh Patre S/o. Shri Shalik Ram Patre, Aged about 38 years, Secretary,
Gram Panchayat, Bhatgaon, R/o. Village Dev – Kirari, Tahsil – Bilha, Distt.
Bilaspur (CG)

----Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Panchayat and Rural Development Department, D.K.S. Bhawan, Mantralaya, Raipur (CG)
2. Chief Executive Officer, Janpad Panchayat Bilha, Dist. Bilaspur (CG)
3. Sub-Divisional Officer (Revenue), Bilha, Tahsil-Bilha, Distt. Bilaspur (CG)
4. Dukhni Bai Durw, Ex-Sarpanch, Gram Panchayat Dev Kirari, Tahsil-Bilha, Distt. Bilaspur (CG)
5. Rewa Ram Sonekar, Secretary, Gram Panchayat Dev Kirari, Tahsil-Bilha, Distt. Bilaspur (CG)

---- Respondents

For Petitioner : Mr.S.I.Ali, Advocate on behalf of Ms Naushina Afrin Ali, Advocate
For Respondent No.1&3 : Mr.Anand Dadariya, Dy.G.A.
For Respondent No.2 : Ms Swati Upadhyay, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/08/2018

1. Learned counsel for the petitioner would submit that the order of recovery has been issued against the petitioner without affording an opportunity of hearing to him.
2. On the other hand, learned Deputy Government Advocate appearing for respondents No.1 and 3 would submit that notice dated 20.8.2010 (Annexure P/1) was issued before issuing Revenue Recovery Certificate (hereinafter called as 'RRC').

3. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.
4. A careful perusal of notice dated 20.8.2010 (Annexure P/1) would show that this is only an order for recovery of amount, but recovery order has not been passed after affording an opportunity of hearing to the petitioner, which is violative of principles of natural justice.
5. Accordingly, the impugned notice dated 20.8.2010 (Annexure P/1) is hereby quashed. However, respondent No.3/Sub-Divisional Officer (Revenue), Bilha is at liberty to proceed in accordance with law.
6. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-