

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2260 of 2018

Rohidas Taram S/o D R Taram Aged About 57 Years H.No. 19, Ekta Nagar, Thelkabod, Kanker, Uttar Bastar Kanker, District Kanker, Chhattisgarh. 494334., District : Kanker, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Forest, Mahanadi Bhawan, Mantralaya, New Raipur District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Managing Director Chhattisgarh State Minor Forest Produce Federation Raipur A- 25 V I P Estate, Near V I P Club, Khamhardih, Shankar Nagar Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Managing Director District Minor Forest Produce Federation Sukma, District Sukma, Chhattisgarh., District : Sukma, Chhattisgarh
4. Additional Principal Chief Conservator Of Forest Cum General Manager Chhattisgarh State Minor Forest Produce Federation Jagdalpur, District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sushobhit Singh, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate
For respondents 2, 3 and 4	:	Ms. Pushpa Dwivedi, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/05/2018

Heard.

2. The only ground, on the basis of which, impugned order is liable to be set aside is that huge amount of recovery has been ordered against the petitioner without affording him any opportunity of hearing.

3. In the return filed by the respondents No.2 to 4, it is not disputed that the impugned order was passed without affording proper opportunity of hearing. Therefore, without commenting upon the merits of the case as to whether the petitioner was liable for such recovery or not, only on the ground of violation of

principles of natural justice, in view of the decision of the Supreme Court in the case of **Mohinder Singh Gill and Another vs. Chief Election Commissioner, New Delhi and others, AIR SC 1978 851**, impugned order is set aside. However, it would be open for the respondents to issue notice, afford opportunity of hearing and then pass a fresh order as may be permissible under the law.

4. Accordingly, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti