

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 434 of 2018**

- Dileshwar Prasad Patail S/o Shri Padum Lal Patail Aged About 28 Years C/o Rajesh Tiwari, Ward No. 6, Bus Stand Main Road, Sakari, Police Station Sakari Civil And Revenue, District : Bilaspur, Chhattisgarh

---- Appellant**Versus**

1. Indian Oil Corporation Limited, Raipur Area Officer, Through Chief Area Manager (Marketing Division), Rajiv Gandhi Marg, Telibandha, Post Office Ravi Gram, Raipur, District Raipur (C.G.)
2. Union of India, Through the Secretary, Department of Petroleum Ministry of India, New Delhi.
3. State of Chhattisgarh, Through the Secretary General Administration Department, D.K.S. Bhawan, Raipur (C.G.)

---- Respondents

For Appellant	:	Shri Prateek Sharma, Advocate.
For Respondent No.2	:	Shri B. Gopa Kumar, Assistant Solicitor General.
For Respondent No.3	:	Shri Prafull N. Bharat, Additional Advocate General.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****02.05.2018**

1. We have heard the learned counsel for the Appellant, the learned Assistant Solicitor General and the learned Additional Advocate General.
2. It is discernible from paragraph 6 of the writ appeal that the impugned order was issued while the Advocate for the writ petitioner was not available in the Court and was absent for the reasons stated in paragraph 6 of this appeal memo.
3. Therefore, even if the learned Single Judge has recorded the submission of the Respondents that the petition has become infructuous, the fact is that the

judgment impugned is one passed on default. Therefore, the remedy available to the writ petitioner is to seek restoration of the writ petition which was dismissed, apparently, for default.

4. In these circumstances, without prejudice to the Appellant seeking recourse to such procedure, this writ appeal is dismissed without stating anything on merit.
5. The application (I.A. No.1 of 2018) for condonation of delay is dismissed since it is unnecessary in the light of orders on merit.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge