

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 635 of 2018**

Girja Shankar Dubey Late Shri Bisahu Prasad Dubey, Aged About 46 Years R/o Village Kalkasa (Malidhour) Tahsil Dondi Lohara, District Balod Chhattisgarh.

---- Appellant**Versus**

1. Collector Balod District Balod Chhattisgarh.
2. Chief Municipal Officer, Dondi Lohara District Balod Chhattisgarh.
3. Joint Director, Urban Administration And Development Officer, Chhattisgarh Raipur District Raipur Chhattisgarh.

---- Respondents

For Appellant	: Ms. Hamida Siddiqui, Advocate.
For Respondent/State	: Shri Gary Mukhopadhyay, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**18/09/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. I.A. No.01 of 2018 has been filed to condone delay of 18 days in preferring the appeal. For the reasons indicated in the application, the same is allowed. Delay of 18 days in preferring the appeal is hereby condoned.
3. The writ appeal is heard on merits.
4. The Court has noticed that the learned Single Judge, vide order dated 15.05.2018, while dealing with the two impugned orders i.e. Annexures P/1 and P/2 dated 26.05.2014 and 24.06.2014 respectively to the writ application, found that there was violation of principles of natural justice. The learned Single Judge quashed Annexure P/1 which was the order of black-listing the Appellant.

However, so far as Annexure P/2 which was notice for recovery is concerned, even though opportunity has been given to the Appellant to show cause and explain things, somehow the impugned order dated 24.06.2014 (Annexure P/2 to the writ application) had not been set aside despite finding violation of principles of natural justice.

5. The appeal is allowed. The impugned order contained in Annexure P/2 to the writ application dated 24.06.2014 shall also be considered to be quashed. The authorities are free to take a fresh decisions in terms of the directions of the learned Single Judge, after giving an opportunity of hearing and the show-cause which will be filed on behalf of the Appellant.
6. The appeal stands disposed off in terms of the above.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE