

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 6866 of 2011**

- A.K. Kurre S/o Shri Devnath Kurre, Aged about 52 years, R/o- Vill.- Bitkulee, Thana- Bilha, Distt.- Bilaspur C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Sachiv, Panchayat Avm Gramin Vikas Vibhag, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Chief Executive Officer Janpad Panchayat Bilha, distt.- Bilaspur C.G.
3. S.D.O. Revenue Bilha, Distt.- Bilaspur C.G.
4. Gopal Prasad Ex-Sarpanch, Gram Panchayat Umariya , Tahsil- Bilha, Distt.- Bilaspur, C.G.

---- Respondents

For Petitioner : Shri Rajendra Patel, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/08/2019**

1. Heard.
2. The present petition is against the notice dated 21.02.2011 (Annexure P-1) & 24.10.2011 (Annexure P-2) for recovery of amount by RRC. It is contended that the said RRC has been issued to the petitioner without affording any opportunity of hearing by the CEO, Janpad Panchayat. Learned counsel for the petitioner would submit that in the similar circumstances, the co-ordinate Bench of this Court in WPC No.7124 of 2010 on 10.08.2018 has quashed the order on the ground that no opportunity of hearing is given and the similar order may be

passed.

3. Perusal of the record would show that the petitioner was served with a show-cause notice, there is nothing on record to show that any opportunity of hearing or any hearing was given before the attachment of the final liability. Perusal of the both the notices Annexure P-1 & P-2 and the show-cause notice filed along with the reply also fortifies that though the show-cause notice was issued, but no opportunity of hearing was given, though the orders of recovery have been passed. In these circumstances, the order dated 21.02.2011 (Annexure P-1) and 24.10.2011 (Annexure P-2) are hereby quashed. The concerned officer shall be at liberty to proceed for afresh enquiry with respect to the subject in issue in accordance with law after giving opportunity of hearing to the petitioner.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu