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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 32 of 2018

{Arising out of order dated 15.12.2017 passed by learned Single Judge in Writ Petition (C) No. 3458 of 2017and other connected matters}

- Smt. Keshar Bai W/o Malik Ram Sharma Aged About 55 Years R/o Ward No. 41, Shanker Nagar, Bandhwa Para Bilaspur Tahsil And District Bilaspur, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary Department of Urban Administration Mahanadi Bhawan Mantralaya New Raipur, Chhattisgarh.
2. Commissioner Municipal Corporation Bilaspur, District Bilaspur, Chhattisgarh.
3. Collector Bilaspur, District Bilaspur, Chhattisgarh.
4. Sub Divisional Officer (Revenue) Bilaspur, District Bilaspur, Chhattisgarh.
5. Executive Engineer Municipal Corporation Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

with

Writ Appeal No. 25 of 2018

- Smt. Ramjan Bi W/o Chhotu Azim Khan, Aged About 38 Years R/o Ward No. 41, Shankar Nagar, Bandhwa Para, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh)

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (Chhattisgarh)
3. Collector, Bilaspur, District Bilaspur (Chhattisgarh)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (Chhattisgarh)
5. Executive Engineer, Municipal Corporation, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

with

Writ Appeal No. 26 of 2018

- Mumtaz Begam W/o Riyaz Hussain, Aged About 48 Years R/o Ward No. 41, Shankar Nagar, Bandhwa Para, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh)

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (Chhattisgarh)
3. Collector, Bilaspur, District Bilaspur (Chhattisgarh)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (Chhattisgarh)
5. Executive Engineer, Municipal Corporation, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

For Appellant	:	Shri Kishore Narayan, Advocate.
For Respondents No.1, 3 & 4	:	Shri Gagan Tiwari, Deputy Government Advocate and Shri Vaibhav Kartikeya Agrawal, Panel Lawyer.
For Respondents No. 2 & 5	:	Shri H.B. Agrawal, Senior Advocate with Shri Anshul Singhania, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board

Per P. R. Ramachandra Menon, Chief Justice

23.07.2019

1. When the matters are taken up for consideration, Shri H.B. Agrawal, the learned Senior counsel for the Respondents No. 2 and 5 submits that the issue is squarely covered by the common judgment dated 15.12.2017 in WPC No. 3452 of 2017 and other connected matters, and that no interference is called for.

2. The learned counsel for the Appellant submits that the insinuation levelled against the Appellant in the above common verdict for not challenging the order dated 23.09.2017 passed by competent authority is not correct, insofar as copy of the said order was never served to the Appellant and the same was in fact served only on the date of hearing in the Court room; adding that the said order is subjected to challenge in the appeal.

3. The said order cannot be subjected to challenge in appeal for the first time. The learned counsel appearing for the Appellant seeks for permission to withdraw these appeals without prejudice to rights and liberties of the Petitioner to have the grievance redressed by way of other appropriate remedy in accordance with law.

4. Writ appeals are dismissed as withdrawn.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Brijmohan