

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 306 of 2019

- Vivek Kumar Pandey S/o Shri Gouri Shanker Pandey, aged about 29 years, Occupation - Business, R/o Niche Para, Jai Stambha Chowk, Dharamjaigarh, Civil and Revenue District - Raigarh (CG)

---- Appellant

Versus

1. State of Chhattisgarh, through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur (CG)
2. Commissioner Bilaspur, District Bilaspur (CG)
3. The Collector/District Magistrate, Raigarh District Raigarh (CG)
4. The Territory Manager, M/s Retail Bharat Petroleum Corporation Limited, Bhilai District Durg (CG)
5. Mahendra Singh Komal S/o Late Sarabh Singh, aged about 45 years, R/o Civil Lines, Dharamjaigarh District Raigarh (CG)

---- Respondents

For Appellant	:	Shri HB Agrawal, Sr. Advocate with Shri Umesh Pandey, Advocate.
For Respondent No.1 to 3	:	Shri Sudeep Verma, Govt. Advocate
For Respondent No.4	:	Shri Saurabh Sharma, Advocate
For Respondent No.5	:	Shri V.K. Pandey, Advocate

Hon'ble Shri P. R. Ramchandra Menon, CJ

Hon'ble Shri Parth Prateem Sahu, J

Order On Board

Per P.R. Ramchandra Menon, CJ:

24/10/2019

1. Appeal arises from the verdict dated 12.3.2019 passed by the learned Single Judge in WPC No.571/19.
2. Main submission made by learned Senior Counsel for the appellant that the entire discussion made by the learned Single Judge is with reference to the previous proceeding between the parties and it does not have any connection or relevance to the

nature of challenge raised by the appellant / petitioner against the order dated 14.8.2018 passed by the 2nd respondent Commissioner in Revision Case No.13/2015-16, a copy of which was filed as Annexure P-1 to the writ petition.

3. Learned counsel representing the contesting respondents as well as learned counsel representing the respondent State seek to support the verdict of the learned Single Judge referring to sequence of events, but the factual position that there is no reference to the order Annexure P-1 dated 14.8.2018 passed by the 2nd respondent anywhere in the judgment dated 12.3.2019 is virtually conceded. In what way the said order is connected to the proceeding is a matter to be examined to ascertain the merits involved.
4. After hearing both the sides, we are of the view that if there is a subsisting grievance for the appellant in this regard, it was always open for him to have brought it to the notice of the learned Single Judge at the first instance before rushing to this Court by way of appeal.
5. Learned Senior Counsel for the appellant seeks for permission to withdraw this appeal without prejudice to rights and liberties of the appellant, to move to the learned Single Judge by way of appropriate proceeding.
6. Permission is granted. Writ appeal stands dismissed as withdrawn.

Sd/-

(P.R. Ramchandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

roshan/-