

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1889 of 2017**

Kailash Agrawal @ Kallu (Died) Through Lrs-

1 (A) Manjulata Agarwal, Wd/o Late Kailash Agarwal, Aged About 53 Years

2 (B) Saket Mittal S/o Late Kailash Agarwal, Aged About 24 Years

3 (C) Manisha Agawal D/o Kailash Agarwal, Aged About 26 Years

4 (D) Swati Agarwal W/o Sunil Agarwal, Aged About 29 Years

All R/o Kharsiya, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. Dharamchand Agrawal S/o Late Harifulmal Agrawal R/o Nehru Park Raod, Surajpur, Tahsil And District Surajpur, Chhattisgarh
2. State Of Chhattisgarh, Through Tahsildar, Surajpur, District Surajpur, Chhattisgarh
3. Sub Divisional Officer Revenue , Surajpur, District Surajpur, Chhattisgarh
4. Additional Commissioner, Surajpur Division, Ambikapur, Surguja, Chhattisgarh

---- Respondent

For Petitioners

Shri U.N.S. Deo, Advocate

For Respondent/State

Shri Sameer Behar, Panel Lawyer

Order On Board**By****Prashant Kumar Mishra, J.**

07/01/2019

1. A bare perusal of the order Annexure – P/1 would reflect that the Additional Commissioner, Surguja Division, Ambikapur, has passed the order without hearing the petitioner even though in an earlier writ petition bearing WPC No.1510/2015 this Court by order dated 12-7-2016 had directed the Commissioner, Surguja Division to rehear the parties and decide the matter on merits.
2. The impugned order being in violation of the order passed by this Court as also being in violation of the principles of natural justice the same is set aside and the matter is remitted back to the Additional Commissioner, Surguja Division, Ambikapur, to restore the matter in its file; issue notice to both the parties and then decide the matter on merits in presence of both the parties.
3. In the meanwhile, there shall be *status quo*, as it exists today, in relation to the subject property.
4. Accordingly, the writ petition stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Gowri