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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 3866 of 2019

Hira Lal Nayak S/o Late Kunwar Singh Nayak Aged About 61 Years R/o Vijay Nagar Chowk, Near Avanti Vihar Sector- 2, Tehsil and District - Raipur, Chhattisgarh.

--- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, Chhattisgarh.
2. Collector District- Jagdalpur, Chhattisgarh.
3. Union of India Through Secretary Ministry of Railway, Rail Bhawan, Rafi Marg, New Delhi- 110001.
4. Bastar Railway Private Limited Through Chief Executive Officer Registered Office Global Exploration Centre, NMDC, Greens Valley City, Housing Board Colony, Boriyakala, District- Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Siddharth Shukla, Advocate
For State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.10.2019

1. Challenge in the present writ petition is to the enquiry report dated 30.07.2019 submitted by the respondent No.2, Collector and District Magistrate, Bastar, Jagdalpur.
2. Perusal of record it appears that it is only a preliminary enquiry conducted by the State authorities in respect of the alleged excess payment paid for the land which was acquired for the purpose of laying of Broad gauge Railway Line between Jagdalpur to Raoghat which is otherwise known as Jagdalpur-Raoghat Railway Project.
3. At this juncture, this court is not inclined to entertain the writ petition for the simple reason that it is an enquiry report submitted by the authorities before the State Govt. and the State Govt. though has lodged an FIR on the basis of the said enquiry report which has already been challenged by the petitioner in WP(Cr.) No.1037 of 2019 and the court has already granted an interim protection to the petitioner on 16.10.2019, thereafter,

there does not appear to be any further development on the part of the State authorities.

4. Therefore, this court is of the opinion that unless the State Govt. takes further step on the basis of the enquiry report, particularly against the petitioner, he as of now may not have any ground for challenging the preliminary enquiry report submitted by the Collector, Bastar. It is settled position of law that for the purpose of availing writ jurisdiction of this court, there has to be an order having adverse bearing passed by the respondent authorities against the petitioner. In the instant case, on the basis of the said enquiry report, there does not seem to be any further order passed by the State authorities.
5. Accordingly, reserving the right of the petitioner to approach the court in the event if some adverse order is passed against the petitioner at a later stage, the present writ petition in its present form stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder