

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 888 of 2020**

1. Smt. Vaidehi Pathak D/o Narayan Prasad Pathak, aged about 59 years, R/o Kilaward, Juna Bilaspur, District- Bilaspur, Chhattisgarh
2. Rishi Kumar Pandey S/o, Ramlal Pandey, Aged about 50 years, R/o Kilaward, Ward No.30, Juna Bilaspur, District- Bilaspur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through- The Secretary, Revenue Department, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. Collector, Korba, District- Korba, Chhattisgarh
3. Sub Divisional Officer (Revenue)-Cum-Land Acquisition Officer, Katghora, District- Korba, (C.G.)
4. South Eastern Coalfields Limited, Through General Manager, Gevra Area, Post- Gevra Project, District Korba, (C.G.)
5. Staff Officer (Revenue), South Eastern Coalfields Limited, Gevra Area, Post- Gevra Project, District- Korba

---- Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG with Mr. Anshuman Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/03/2020**

1. The relief that the petitioner has prayed for in the present writ petition is for appropriate direction to the Sub Divisional Officer (Revenue) Katghora, District Korba to reconsider his order dated 13.12.2019 and 01.07.2019 (Annexure P-5) in the light of the Civil Suit No.334 A of 2015 having stood withdrawn from the Civil Court on 28.07.2018 and as such the Civil Suit is not pending before any Court of law as on date.

2. Counsel for the petitioner submits that he had approached the SDO for an appropriate relief against the SECL but said application has been turned down on the ground that the Civil Suit No. 334 A of 2015 is said to be still pending before the Court on the basis of the objection received from the office of the SECL.
3. Counsel for the petitioner referred to the Annexure P-2 dated 28.07.2018 where the petitioner No.1 herein had voluntarily withdrawn the Civil Suit that she had filed against the petitioner No.2 and thereby the Suit is no longer pending before any Court of law and thus the SDO (Revenue) ought to have taken a decision on the merits of the case in accordance with law.
4. From the perusal of the record, it appears that withdrawal of the Civil Suit No. 334A of 2015 on 28.07.2018 was not brought to the knowledge of SECL or for that matter to the authorities concerned and the order dated 13.12.2019 and 01.07.2019 has been passed in that context.
5. Given the facts, this Court is of the opinion that ends of justice would meet if the petitioner is permitted to approach the respondent No.3 along with all relevant records, particularly, in respect of withdrawal of the Civil Suit. The respondent No.3 in turn shall pass a fresh order in accordance to law considering the Civil Suit having been withdrawn by the petitioner on 28.07.2018.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and particularly taking note of the fact that civil Suit which petitioner No.1 had filed against the petitioner No.2 stands withdrawn without any conditions whatsoever and no right as such also has been created in favour of the petitioner No.1 on the withdrawal of the said suit.

7. Let appropriate decision be taken by the respondent No.3 at the earliest on the said application.
8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit