

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 997 of 2019

Suresh Kumar Jagatramka (Petitioner In Person) S/o Late Shri Banwari Lal Jagatramka Aged About 62 Years R/o Infront Of Gandhi Putla, Raigarh, Tahsil And District Raigarh Chhattisgarh. Mob. No. 7987230716., District : Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. Suresh Kumar S/o Santlal Bansal Aged About 65 Years R/o Friends Colony, Raigarh, Tahsil And District Raigarh Chhattisgarh.
2. Nitish Kumar S/o Naresh Kumar Agrawal Aged About 40 Years R/o Darogapara, Raigarh, Tahsil And District Raigarh Chhattisgarh.

---- Respondents

For Petitioner : Petitioner in person.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-01-2020

1. Heard.
2. This petition has been brought by the petitioner in person, who submits that this Court by an order dated 14.8.2019 passed in W.P.(227) No.301 of 2019 filed by Inderpal Singh Bhatia and two others, allowed their petition under Article 227 of the Constitution of India and quashed the award dated 10.2.2018 passed in Civil Suit No. A/05 of 2017 by the National Lok Adalat. It was further ordered that the civil suit was restored to its original number and the petitioners in that case were given opportunity to approach the trial Court for making a prayer to implead them as party and the trial Court was also directed to take up the trial of the case in accordance with law.
3. It is further submitted that the concerned petitioner and the respondents have not approached the civil Court making a prayer to implead them as party and instead now the respondents have filed an application before

the Collector, Raigarh under Section 35(3) of the Chhattisgarh Land Revenue Code, 1959 praying for restoration of Revenue Case No. 78-A/17-18 which was dismissed for non-prosecution on 4.9.2018. It is further submitted that the respondents are proceeding with parallel proceedings which should not be entertained, therefore, this petition has been brought for seeking interference of this Court.

4. Considered the submissions made by the petitioner in person. Perused the order dated 14.8.2019 passed by this Court in W.P.(227) No. 301 of 2019 and also perused the copy of the application filed by the respondents before the Collector, Raigarh under Section 35(3) of the Chhattisgarh Land Revenue Code, 1959.
5. On a careful perusal of the documents attached with this petition, it is clearly made out that the respondents were not a party in W.P.(227) No.301 of 2019, therefore, there is nothing to suggest that the respondents are bound by the order passed by this Court in that petition. Apart from that, the order in W.P.(227) No.301 of 2019 has been passed on 14.8.2019, whereas the respondents have filed an application before the Collector on 3.10.2018 and that application was only for restoration of the appeal which had been dismissed for non-prosecution. Therefore, I do not find these proceedings are connected with each other in any manner and further, there is no specific order passed by any Court which is challenged before this Court. Hence, there appears to be no cause of action for prosecution of this petition under Article 227 of the Constitution of India is without any substance which is dismissed at motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge