

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.620 of 2013

1. Rajkumar Dammani S/o Mohan Lal Dammani Aged About 45 Years R/o Ramsagar Para, P.S., Modahapara, Raipur, Civil And Revenue District Raipur, Chhattisgarh
2. Dhanes Dammani S/o Mohan Lal Dammani Aged About 48 Years R/o Ramsagar Para, P.S. Modahapara, Raipur, Civil And Revenue District Raipur, Chhattisgarh
3. Mahesh Kumar Dammani S/o Mohan Lal Dammani Aged About 50 Years R/o 29 Nagar Nigam Colony, Raipur, P.S. Modahapara, Raipur, Civil And Revenue Distt Raipur, Chhattisgarh
4. Shri Sai Stone Chips, Proprietor Vivek Kumar Dammani, S/o Dhanesh Dammani, Aged about 28 Yrs, R/o Ramsagar Para, P.S. Modahapara, Raipur, Civil And Revenue Distt Raipur, Cg
5. Dammani Janseva Trust Samiti Through Its President Rajkumar Dammani, S/o Mohan Lal Dammani, Age 45 Yrs, R/o Ramsagar Para, Ps Modahapara, Raipur, Civil And Revenue Distt Raipur, Cg
6. Chhattisgarh/ Chhattisgarh Prakritik Samada Kalyan Samiti, Through President Mouli Dammani, W/o Rajkumar Dammani, H.No.189, Dammani Complex, Ramsagar Para, Ps Modahapara, Raipur, Civil And Revenue Distt Raipur, Cg
7. Deepak Kumar Agrawal S/o Girdhari Lal Agrawal Aged About 45 Years R/o Bajrang Nagar, Raipur, Ps Modahapara, Raipur, Civil And Revenue Distt Raipur,
(respondents No.2, 3, 6 and 7 are through Power Of Attorney Holder Rajkumar Dammani)

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Versus

1. State Of Chhattisgarh And Ors. S/o Through The Secretary, Mining And Mineral Department, Mantralaya, Mahanadi Bhawan, Raipur, Dist Raipur, Chhattisgarh
2. The Collector Raipur, Dist Raipur, Cg
3. The Deputy Director, Mines And Minerals Department, Collectorate Campus, Mining Branch, Raipur, Ps Civil Lines, Raipur, Dist Raipur, Cg
4. R.S. Pisda S/o Shri Pisda, Aged About 63 Years R/o Sai Complex, Vidhut Nagar, Near Borsi Chowk, Durg, Ps Durg, Dist Durg, Cg

5. Shriram Chandra Swami Nagaridas Mandir Chowk Purani Basti, Raipur, Registration No. 91, Through Mahanat/legal Possession Holder And Manager Of the Temple, Mahant Shyamsundar Das, Shishya Of Late Shri Govind Sharan Das, Age 40 Yrs, R/o Nagridas Mandir, Sarswati Chowk, Purani Basti, Ps Purani Basti, Raipur, Civil & Revenue, District- Raipur, Cg
6. Director, Geology And Mines, C.G. Sona Khan Bhawan, Ring Road No.1, Raipur, Civil And Revenue Distt Raipur, Dist Raipur, Cg
7. Shriram Chandra Swami (Nagridas) Mandir Public Trust, Through Its President Madan Gopal Agrawal, Son Of Chatradhari Agrawal, Aged About 75 Years, R/o Kankalipara, Purani Basti, Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioners	: Mr. Yogesh Pandey on behalf of Mr. Raghvendra Pradhan, Advocate.
For State/respondents No.01,02, 03 & 06	: Mr. Alok Nigam, Govt. Advocate.
For Respondents No.05 & 07	: Dr. N.K. Shukla, Sr. Advocate with Mr. Shailendra Shukla, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23/07/2021

1. Learned counsel for petitioners submits that he may be permitted to withdraw this petition with liberty to file afresh, in case any eventuality arises in future.
2. Learned counsel for private respondents opposes the submissions and submits that an application has been filed by the private respondent praying for dismissal of writ petition on the basis of subsequent events.
3. It is submitted by learned counsel for private respondent that this petition had been brought against interim order passed in the Appeal Case No.77 of 2013 pending before the Nyayalaya Sanchalak,

Bhaumiki Tatha Khanikarm, Raipur, C.G. Subsequent to the passing of interim order in the present case on 29.08.2013, the final order has been passed on 26.09.2017 by the Nyayalaya Sanchalak, Bhaumiki Tatha Khanikarm, Raipur, C.G. The petitioners have then challenged the final order in W.P.C. No.138 of 2018 and W.P.C. No.201 of 2018 which are pending. Therefore, the petitioner has suppressed the material fact so far. Therefore, the present petition is infructuous, which may be dismissed.

4. In reply, it is submitted by the learned counsel for the petitioner that the petitioner is not raising any issue on the final order passed in the Appeal Case, in which the interim order passed was under challenge in this petition. The petitioner simply wants to reserve his rights to file fresh case, if any eventuality arises in future.
5. After considering on the submissions and finding that prayer of the petitioner and respondent both is to conclude and terminate this proceeding, therefore, the present Writ Petition is disposed off. There is no bar for the petitioner to file Writ Petition in case any such eventuality arises in future.
6. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge