

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCC No. 432 of 2020**

1. Avinash Kumar Gupta S/o Shri Kedar Ram Gupta Aged About 36 Years R/o Raigarh Road Sitapur , Block Sitapur , District Surguja Chhattisgarh.
2. Krishlal S/o Shri Balak Ram Aged About 43 Years R/o Village Langrasand, Post Khandorana, Block Sitapur , District Surguja Chhattisgarh.
3. Shailesh Kumar Gupta S/o Palu Ram Gupta Aged About 32 Years R/o Sundar Nagar Sitapur, Block Sitapur , District Surguja Chhattisgarh.
4. Devnarayan Gupta S/o Ramtahal Gupta Aged About 46 Years R/o Village Aara, Post Office Baneya, Police Station And Tahsil Sitapur, District Surguja Chhattisgarh.
5. Vikash Gupta S/o Sudama Gupta Aged About 36 Years R/o Village Batouli, Post Office Batouli, Police Station And Tahsil Batouli , District Surguja Chhattisgarh.
6. Shiv Kumar S/o Sukhram Aged About 42 Years R/o Village Murta , Post Khandorana, Block Sitapur , District Surguja Chhattisgarh.
7. Sanjay Kumar Gupta S/o Dev Kishun Gupta Aged About 43 Years R/o Urawpara Ward No. 14, Sitapur , Block Sitapur , District Surguja Chhattisgarh.
8. Tajuddin Khan S/o Md. Siddike Khan Aged About 38 Years R/o Uraonpara Sitapur , Block Sitapur, District Surguja Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development , Mantralaya Police Station Rakhi, Tahsil Aarang, Naya Raipur , District Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat , Ambikapur , District Surguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat , Sitapur , District Surguja Chhattisgarh.

**----Respondents**


---

|                |   |                                |
|----------------|---|--------------------------------|
| For Applicants | : | Mr. C. Jayant K. Rao, Advocate |
| For State      | : | Ms. Akanksha Jain, Dy. G.A.    |

---

**Hon'ble Shri Justice P. Sam Koshy****Order on Board**

**11/01/2021**

1. Present MCC has been filed seeking for restoration of an earlier MCC i.e. MCC No. 852/2019, which was decided on 23.09.2019 and further has sought for restoration of the original writ petition i.e. WPS No. 1236/2019 which was dismissed in default on 10.04.2019.
2. The petitioner moved an MCC for restoration of that writ petition. The MCC was allowed subject to the payment of cost of Rs.1500/- with a further direction that the default in the writ petition should also be cured within a further period of 10 days. However, though the cost which was imposed was deposited by the petitioner, it is said that the petitioner has paid the process fee, the default which was pointed out earlier by the Registry in the original writ petition after the stipulated period given by this Court, therefore the writ petition could not get restored, which has led to the filing of the present MCC.
3. Perusal of the entire facts and circumstances of the case and considering the fact that the earlier two orders have been passed in presence of the counsel for the petitioner, this Court does not find any strong/justifiable case, however in the interest of justice subject to the petitioner paying a further cost of Rs.1500/- to the Chhattisgarh High Court Bar Association Library Fund Account No. 32749718036 within 7 days from today, the order passed in the earlier MCC dated 23.09.2019 would get restored and the writ petition also since according to the petitioner, the default of payment of process fees stands cured, the Registry is directed to restore the

writ petition to its original number and the matter be listed for hearing in the week commencing 25<sup>th</sup> of January, 2021.

4. The present MCC accordingly stands allowed and disposed of.
5. Let a copy of this order be made part of the record of WPS No. 1236/2019.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Ved