

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3016 of 2021

- M/s Sofiya Construction And Supplier Through Its Proprietor- Wasim Khan Having It Registered Office At Masjid Road, Akaltara District- Janjgir- Champa, Chhattisgarh. C.G.- 495552.

---- Petitioner

Versus

1. The Collector, Collectorate, Karahi, Mungeli, District- Mungeli, Chhattisgarh- 495334.,
2. The Sub Divisional Officer(Revenue) Collectorate, Karahi, Mungeli, District- Mungeli, Chhattisgarh- 495334,
3. The Cmo Nagar Palika Parishad, Mungeli, Nh130a, Padaw Chowk, Mungeli, C.G- 495334.
4. Superintendent Of Police District- Mungeli, S.P. Office, Mungeli, Chhattisgarh. 495334,

---- Respondents

For Petitioner	:	Mr. Vivek Chopda, Advocate
For State	:	Mr. Pawan Kesharwani, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.07.2021

1. Heard
2. The challenge in this writ petition is to the show cause notice dated 12.07.2021 (Annexure P/1).
3. Learned counsel for the petitioner submits that the petitioner was given a contract for construction of drain at Paramhans Ward and work was to commence from near the house of one Horilal Sharma uptill the Stadium and as per the plan, the said drain would adjoin the boundary wall of the garden. The length of the drain was approx. 300 meters. It is contended that while the said drain was being constructed, certain private land came in between, as such, at the instance of the Nagar Palika Parishad Mungeli, the site of the drain was changed and separate drain was constructed at some other site by

the petitioner. Therefore the petitioner, after construction of the drains, has collected the amount and it is not the case that the drains have not been constructed. It is further contended that initially the petitioner was served with a notice dated 30.06.2021 (Annexure P/2) for which a detailed reply was filed by the petitioner on 03.07.2021 (Annexure P/4). However, again a show cause notice vide Annexure P/1 dated 12.07.2021 has been issued by the Collector Distt. Mungeli, therefore it would show that the respondents have predetermined the issue though the reply to the show cause notice has been filed.

4. After going through the documents filed by the petitioner, the primary allegation as appears against the petitioner is that the petitioner has received an amount of Rs.13,12,818/- in connivance with certain officers without construction of the drain. Consequently, initially after the reply was filed, a fresh show cause notice has been issued vide Annexure P/1 dated 12.07.2021 by the Collector Distt. Mungeli. The claim of the petitioner that the site of the drain was shifted to some other place and the construction was carried out is a matter of fact to be ascertained which the petitioner can very well establish before the authorities who has issued the show cause notice dated 12.07.2021 (Annexure P/1). The petitioner submits that the reply to the said notice has already been filed by Annexure P/5 dated 19.07.2021. The things being so, the authority is required to examine the veracity of the submission of the petitioner during the enquiry. As the instant petition is against the show cause notice Annexure P/1, the reading of the Annexure P/1 *prima facie* do not reflect that the authorities are predetermined to decide the issue when the serious allegations of the like nature are clamped, then the petitioner is bound to answer it otherwise the legal consequence would follow. At this stage, therefore, I am not inclined to entertain this writ petition in exercise of power

under Section 226 of the Constitution of India.

5. Accordingly, the writ petition stands dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

Vishakha