

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC No. 661 of 2021**

S.P. Dubey S/o Late Ram Kishun Dubey, Aged About 61 Years R/o. Ward No.5 Ayodhya Nagar, Near Government School, Sindhi Colony, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through - The Secretary, Water Resources Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Chief Engineer, Hasdeo Kachhar, Water Resources Department, Bilaspur, District Bilaspur Chhattisgarh.
3. Executive Engineer, Water Resources Department, Janjgir, District Janjgir - Champa Chhattisgarh.
4. Sub Divisional Officer, Water Resources Department, Dabhara, District Janjgir - Champa Chhattisgarh.

----Respondents

For Applicant	:	Mr. Nasimuddin Ansari, Advocate with Mr. Jhanendra Kumar Mahilang, Advocate
For State	:	Mr. Aditya Bhardwaj, Panel Lawyer with Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/12/2021

1. The present MCC has been filed seeking restoration of WPS No. 663/2018. Learned counsel for the applicant prays for restoration of the said writ petition as the grievance of the petitioner is not yet redressed.
2. Having heard the contention put forth by the counsel for the applicant and on perusal of the record, it appears that there was an order passed by the State Government dated 27.09.2018 (Annexure A/2) with the present M.C.C. which had requested the petitioner to withdraw the writ petition for redressal of his grievance and also for

consideration of grant of provisional pension. Subsequently, it appears that on the basis of the said correspondence, the petitioner made a request to the Court and the writ petition was dismissed as withdrawn. Now it appears that the grievance of the petitioner is not completely redressed.

3. Given the said facts, this Court is of the opinion that the writ petition which has been dismissed as withdrawn by the petitioner cannot be restored at this juncture for the given facts and circumstances. However, in case if the grievance of the petitioner still survives, the only recourse available to the petitioner as of now is that of approaching the Court by way of a fresh petition, not by seeking restoration of the something which has been consciously and with wide open eyes withdrawn by the petitioner.
4. Reserving the right of the petitioner to avail appropriate remedies afresh, the present M.C.C. stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved