

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 42 of 2021**

Santosh Kumar Gupta S/o Late Shri J. P. Gupta, Aged About 63 Years
R/o House No. 25, Barsana Enclave, Mahoba Bazar, Raipur
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Housing And Environment, New Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Chhattisgarh Housing Board Through The Commissioner Paryawas Bhawan, North Block, Sector 19, Naya Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Aditya Tiwari, Advocate
For State	:	Mr. Aditya Bhardwaj, P.L.
For Respondent no.2	:	Mr. Sanjay Patel, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29.01.2021**

1. The challenge in the present writ petition is to the order of recovery dated 28.12.2019 whereby the respondents have imposed a recovery of Rs.1,70,235/- against the petitioner.
2. The contention of the counsel for the petitioner is that the impugned order of recovery seems to have been passed after the retirement of the petitioner and that the petitioner has not been properly heard in the course of the proceedings were drawn before the impugned order was

passed. According to the petitioner, the impugned order is also predetermined one taking into consideration the observations made by the Chhattisgarh Real Estate Regulatory Authority.

3. Learned counsel appearing for the respondent Board, however, submits that it is an order of recovery which is an appealable order to the appellate authority i.e. the Board and the petitioner should have preferred an appeal against the impugned order of recovery to the appellate authority.
4. Given the said submission by the counsel for the parties, the writ petition at this juncture stands disposed of directing the petitioner to prefer an appeal before the appellate authority within a period of 15 days from today and the appellate authority in turn shall duly consider the contentions that the petitioner would raise in his appeal and shall decide the appeal in accordance with law within a further period of 90 days from the date of receipt of the appeal of the petitioner.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge