

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 4835 OF 2021**

1. Smt. Pushpa Devi Agrawal, W/o Shri Brijlal Agrawal, aged about 70 years, R/o Market Line, in front of C.M. House Road, Ward No.23, Kawardha, Police Station Kawardha, District Kabirdham (C.G.)

2. Ashish Agrawal, S/o Brijlal Agrawal, aged about 39 years, R/o Market Line, in front of C.M. House Road, Ward No.23, Kawardha, Police Station Kawardha, District Kabirdham (C.G.)

... Petitioners**versus**

1. State of Chhattisgarh, through Secretary, Department of Agriculture Development and Farmer Welfare and Bio-Technology Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)

2. Collector, Kabirdham, District Kabirdham (C.G.)

3. Executive Engineer, Water Resources Department, Adarsh Nagar, Kawardha, Division Kawardha, District Kabirdham (C.G.)

4. Sub-Divisional Officer, Water Resources Department, Sub Division No.1, Near Bus Stand, behind the Amit Lodge, Kawardha, District Kabirdham (C.G.)

5. Sub-Engineer, Water Resources Department, near Bus Stand, behind the Amit Lodge, Kawardha, District Kabirdham (C.G.)

... Respondents

For Petitioners	:	Mr. Himanshu Soni, Advocate, under instructions of Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	:	Mr. Aman Kesharwani, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[08/12/2021]**

1. Present Writ Petition has been filed by the Petitioners seeking for the following relief:-

“10.1 That, the petitioners may kindly be awarded of Rs.5,00,000/- as compensation for the damage/loss and also Rs.2000/- as fee of the legal notice.

10.2 That, the respondent authority may kindly be directed to take action against the responsible officer.

10.3 Cost of the petition may also be granted to the petitioners.

10.4 Any other relief, which this Hon'ble Court deems fit and proper, may also kindly be granted to the petitioners, in the interest of justice.”

2. The relief sought for by the Petitioners seems to be on the ground that the Petitioners' agriculture field which is adjacent to a canal was submerged in water on account of the authorities or the miscreants illegally opening the canal gate and due to which the standing crops belonging to the Petitioners have got damaged.

3. This Court, at the outset, is of the opinion that the nature of relief sought for in the present Writ Petition involves highly disputed question of facts which cannot be decided by a Writ Court exercising the Writ jurisdiction under Article 226 of the Constitution of India. The disputed question of facts have to be thrashed out by way of proper evidence led before the concerned Court.

4. The appropriate relief available for the Petitioner is to approach the concerned Civil Court where the extent of damages could easily be quantified by way of proper evidence to be led by either of the parties and also by determining the liability of the Respondents, which again would require proper evidence for deciding the claim.

5. Thus, reserving the right of the Petitioners to approach the appropriate Authority for ventilating their grievances, the Writ Petition stands disposed of. No costs.

Sd/-
(P. Sam Koshy)
Judge