

**(2018) 05 CHH CK 0144**  
**In the Chhattisgarh High Court**  
**Case No : Writ Petition (S) No. 2260 Of 2018**

Rohidas Taram

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision :** 16-05-2018

**Acts Referred:**

**Citation :** (2018) 05 CHH CK 0144

**Hon'ble Judges :** Manindra Mohan Shrivastava, J

**Bench :** Single Bench

**Advocate :** Sushobhit Singh, Satish Gupta, Pushpa Dwivedi

**Final Decision :** Disposed Of

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## Judgement

Manindra Mohan Shrivastava, J

1. Heard.

2. The only ground, on the basis of which, impugned order is liable to be set aside is that huge amount of recovery has been ordered against the petitioner without affording him any opportunity of hearing.

3. In the return filed by the respondents No.2 to 4, it is not disputed that the impugned order was passed without affording proper opportunity of hearing. Therefore, without commenting upon the merits of the case as to whether the petitioner was liable for such recovery or not, only on the ground of violation of principles of natural justice, in view of the decision of the Supreme Court in the case of Mohinder Singh Gill and Another vs. Chief Election Commissioner, New Delhi and others, AIR SC 1978 851, impugned order is set aside. However, it would be open for the respondents to issue notice, afford opportunity of hearing and then pass a fresh order as may be permissible under the law.

4. Accordingly, the petition is finally disposed off.