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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 108 of 2018**

1. State of Chhattisgarh Through Secretary, Department of Public Works, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Officer and Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. The Collector, Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh.
3. The Sub Divisional Officer (Revenue), Pamgarh, District- Janjgir- Champa, Chhattisgarh.
4. The Executive Engineer, Public Works Department, District- Janjgir- Champa, Chhattisgarh.

---- Appellants**Versus**

- Kantikumar Yadav S/o Bhurva, Aged about 53 years, R/o Sukul Para, Tahsil Pamgarh, District- Janjgir- Champa, Chhattisgarh.

-----Respondent**AND****Writ Appeal No. 109 of 2018**

1. State of Chhattisgarh Through Secretary, Department of Public Works, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Officer and Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. The Collector, Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh.
3. The Sub Divisional Officer (Revenue), Pamgarh, District- Janjgir- Champa, Chhattisgarh.
4. The Executive Engineer, Public Works Department, District- Janjgir- Champa, Chhattisgarh.

---- Appellants**Versus**

- Hridaya Narain Yadav S/o Nammu Prasad Aged about 50 years, R/o Sukul Para, Tahsil Pamgarh, District- Janjgir- Champa, Chhattisgarh.

-----Respondent

AND

Writ Appeal No. 113 of 2018

1. State of Chhattisgarh Through Secretary, Department of Public Works, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Officer and Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. The Collector, Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh.
3. The Sub Divisional Officer (Revenue), Pamgarh, District- Janjgir- Champa, Chhattisgarh.
4. The Executive Engineer, Public Works Department, District- Janjgir- Champa, Chhattisgarh.

---- Appellants

Versus

- Asharam Aditya S/o Fhiruram Aditya, Aged about 58 years R/o Sukul Para, Tahsil Pamgarh, District : Janjgir-Champa, Chhattisgarh

-----Respondent

AND

Writ Appeal No. 121 of 2018

1. State of Chhattisgarh Through Secretary, Department of Public Works, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Officer and Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. The Collector, Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh.
3. The Sub Divisional Officer (Revenue), Pamgarh, District- Janjgir- Champa, Chhattisgarh.
4. The Executive Engineer, Public Works Department, District- Janjgir- Champa, Chhattisgarh.

---- Appellants

Versus

- Sitaram Yadav S/o Chhedu Ram Yadav, Aged about 73 years R/o Sukul Para, Tahsil Pamgarh, District : Janjgir-Champa, Chhattisgarh

-----Respondent

AND

Writ Appeal No. 124 of 2018

1. State of Chhattisgarh Through Secretary, Department of Public Works, Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Officer and Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. The Collector, Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh.
3. The Sub Divisional Officer (Revenue), Pamgarh, District- Janjgir- Champa, Chhattisgarh.
4. The Executive Engineer, Public Works Department, District- Janjgir- Champa, Chhattisgarh.

---- Appellants

Versus

- Brijraja Ram Yadav S/o Late Shri Bisahu Ram Yadav Aged about 97 years R/o Sukul Para, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Appellant-State : Shri Y.S. Thakur, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

Per Thottathil B. Radhakrishnan, Chief Justice

28.02.2018

1. The issue arising for decision in these writ appeals is as to whether the learned Single Judge was unjustified in imposing an order of costs as against the State, though the writ petitions were dismissed.
2. Hearing the learned Additional Advocate General, we see that the totality of the facts and circumstances of the case was considered by the learned Single Judge. As against the same common judgment Writ Appeals No. 107/2018 and 118/2018 filed by the State have already been dismissed holding that the

imposition of costs is essentially a discretionary matter and such discretion need not necessarily depend upon the success of the litigation in favour of either of the party. In the case in hand, the writ petition was dismissed by the learned Single Judge. The order of costs was passed in favour of the petitioner. It cannot be said that there was no room to pass such an order of costs. This issue is also covered by the judgment referred to in above dated 26.02.2018 in Writ Appeals No. 107/2018 and 118/2018. We follow that judgment.

3. In the result, these writ appeals are dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge