



2026:CGHC:6685-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WA No. 119 of 2026**

Indri Devi (Died) Through Lrs. Ramnarayan Gupta S/o Late Shri Ramdas Gupta, Aged About 76 Years, R/o Ward No. 15, Balrampur, Police Station And Tahsil Balrampur, District Balrampur- Ramanujganj (C.G.) Presently Residing At Village And Post Davara, Police Station Pasta, Tahsil Balrampur, District Balrampur- Ramanujganj (C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

2 - Collector Balrampur, District Balrampur- Ramanujganj (C.G.)

3 - Sub Divisional Officer (Revenue) Ramanujganj, District Balrampur- Ramanujganj (C.G.)

4 - Tahsildar Balrampur, District Balrampur- Ramanujganj (C.G.)

... Respondent(s)

For Appellant : Mr.Raghvendra Pradhan, Advocate

For Respondent(s) : Mr.S.S.Baghel, Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board**



Per Ramesh Sinha, Chief Justice

6.2.2026

1. Registry has pointed out default that as per Annexure P-1 petitioner No.1 Vijay Narayan Gupta has not been made a party in this memo of appeal.
2. Heard Mr.Raghvendra Pradhan, learned counsel for the appellant as well as Mr.S.S.Baghel, learned Government Advocate appearing for the respondents/State.
3. The appellant has filed I.A.No.02/2026, which is an application for withdrawal of appeal with liberty to file duly constituted and better writ appeal.
4. The appellant has filed the present writ appeal against the order dated 28.01.2025 passed by the learned Single Judge in Writ Petition (C) No. 737 of 2019, by which the writ petition filed by Mr. Pawan Shrivastava, Advocate, was dismissed. Thereafter, a review petition, being REVP No. 336/2025, was filed by Mr. Manoj Paranjape, learned Senior Advocate, assisted by Mr. Kabeer Kalwani, Advocate, which was also dismissed. Subsequently, the present writ appeal has been filed by the appellant, with a delay of 274 days, without impleading petitioner No. 1, Vijay Narayan Gupta, in the memo of appeal.
5. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that I.A. No. 02/2026, seeking withdrawal of the writ appeal with liberty to file a fresh and better-



constituted appeal, is wholly misconceived. The grounds urged in the application clearly indicate that the appellant seeks withdrawal only to overcome the bar of limitation and to cure defects/lacunae in the present appeal.

6. It is well settled that a litigant cannot be permitted to withdraw proceedings with liberty to re-agitate the matter merely to fill up lacunae or to avoid the consequences of limitation. Granting such liberty would amount to permitting abuse of the process of law and would defeat the very object of statutory limitation.
7. The appellant, having consciously instituted the present writ appeal, cannot now be allowed to abandon the same on the plea of rectifying defects which were apparent at the time of filing. The law does not countenance repeated litigation on the same cause under the guise of better drafting or improved pleadings.
8. Accordingly, this Court is of the considered view that the application for withdrawal has been filed with the sole intention of circumventing the period of limitation and curing inherent defects, and therefore deserves to be rejected.
9. Accordingly, I.A.No.02/2026 stands rejected and consequent thereto, the writ appeal is also **dismissed**. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice