

(1)

G200/-

(B)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

W.P.(C) No.....295...../2015

PETITIONER:

1. ✓ Hriday Ram Sidar
S/o Shri Bhgwat Sidar, Aged
about 42 Years, R/o Kotasura,
Tahsil Pusaur, Civil & Revenue
Distt. Raigarh, District Raigarh
(C.G.)
2. ✓ Bhawanishanker Yadav
S/o Shri Raghunath Yadav, Aged
about 35 Years, R/o Kotasura,
Tahsil Pusaur, Civil & Revenue
Distt. Raigarh, District Raigarh
(C.G.)

WP(C) 295/15
3469/15
18/2/15
S/o Jay Arunwal

VERSUS

RESPONDENTS:

1. ✓ State of Chhattisgarh
Through the Secretary
Department of Food, Civil
Supplies and Consumer
Protection, Mahanadi Bhawan,
Mantralaya, Post & PS Mandir
Hasaud, Raipur (C.G.)
2. ✓ Sub-Divisional Officer (Revenue)
Pusaur, District Raigarh (C.G.)



**PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF
MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE
WRITS AND DIRECTIONS:-**



46

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (C) No. 295 of 2015

PETITIONERS

Hriday Ram Sidar and another

Versus

RESPONDENTS

State of Chhattisgarh and
another

Shri Sanjay Agrawal, counsel for the petitioners.

Shri Gary Mukhopadhyay, Dy. G.A. for the State.

SINGLE BENCH : HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

**ORAL ORDER
(23/02/2015)**

Petitioners are challenging the order passed by Sub Divisional Officer (Revenue) Pusaur, District Raigarh directing lodging of FIR against the petitioners who were working as Sarpanch of Gram Panchayat, Kotasura and Salesman of Fair Price Shop of the said Gram Panchayat, respectively.

2. Learned counsel for the petitioners would submit that in W.P.(C) No. 2342/2014 filed by one Smt. Usha Sidar, Secretary of the said Gram Panchayat bearing W.P. (C) No. 2342/2014 this Court has passed an order on 03/12/2014, therefore, the petitioners are also entitled to similar relief. He would submit that under Clause 16(5) of the Chhattisgarh Public Distribution System (Control) Order 2004, an FIR can be lodged only after approval of Collector, but in the instant case no such approval has been sought.

3. The order under challenge is a communication by Sub Divisional Officer (Revenue) Pusaur to the Food Inspector, Raigarh / Pusaur directing lodging of FIR. It is not an FIR itself nor it has been addressed to the concerned Police Station. It is for the concerned Food Inspector to seek approval of Collector before lodging of FIR. The Food Inspector shall move necessary application before the Collector within three months.

4. Since the petitioners were working as Sarpanch and Salesman at the relevant point of time, there is no ground for interfering with the impugned order Annexure P/1.



47

- 2 -

5. Accordingly, the writ petition is dismissed, however, the concerned Food Inspector is directed to move before the Collector, Raigarh seeking approval for lodging FIR and thereafter the Collector shall take a decision in the matter within further period of three months.

6. A copy of the order be sent to the respondent No.2 as well as to the Collector, Raigarh.

Sd/-
Prashant Kumar Mishra
Judge

R