

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1292 of 2015**

Prakhit Pradhan, son of Shri Boba Pradhan, aged about 40 years, resident of Village Mangari, Post Pokhsari, Tahsil Silapur, Police Station Silapur, District Surguja, Chhattisgarh

---- **Petitioner****versus**

1. State of Chhattisgarh, through its Secretary, Department of Cooperative, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. District Collector, Surajpur, Chhattisgarh
3. Maa Mahamaya Sahakari Shakkar Karkhana Maryadit, through its Managing Director, District Surajpur, Chhattisgarh
4. Tiwari Goods Carrier, through its Proprietor Ravindra Tiwari, Navapara Ambikapur, District Surguja, Chhattisgarh

---- **Respondents**

For Petitioner : Shri Sunil Otwani, Advocate
 For State/Respondents No.1&2 : Shri B. Gopa Kumar, Dy. Advocate General
 For Respondents No.3&4 : None

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Navin Sinha, Chief Justice****6/8/2015**

1. The relief sought in this writ application is primarily for refund of loading charges collected from the Petitioner with regard to transportation of sugarcane.
2. Learned Counsel for the Petitioner submits that earlier in Writ Petition (C) No.501 of 2015, this Court had directed the Collector, Surajpur to dispose the representation of the Petitioner therein questioning levying of loading charges when according to the NIT it was not to be levied on sugarcane growers/farmers.
3. Pursuant to the same, the Deputy Registrar, Cooperative Society, Surajpur constituted an inquiry team which has submitted an

undated affirmative report as appended at Annexure P/7 to the writ application.

4. Notwithstanding the same the loading charges collected from the Petitioner are not being refunded to him.

5. Learned Counsel for the State submits that the Petitioner was not a party in the earlier writ application. He appears to have rushed directly to this Court after the undated report sought to be relied upon without raising request before the authorities concerned.

6. We are satisfied to hold that if pursuant to an order of the Court the authorities constituted an inquiry team and a report has been submitted, it is not required to be kept in the vault awaiting further directions from the Court. The matter now pertains to domain of the executive to act in accordance with law as may be contained in the report. Because the Petitioner has rushed directly to the Court without approaching the authorities first, the only appropriate direction to be issued by us today is to grant liberty to the Petitioner to represent before the authorities inviting their attention and seeking consequential action in accordance with law.

7. If the Petitioner files such representation, it has to be considered in accordance with the undated report and acted upon in accordance with law within a maximum period of four weeks from the date of receipt and/or presentation of the representation along with a copy of this order.

8. The writ application stands disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE