

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1149 of 2015

1. Goldi Jaiswal S/o Har Prasad Jaiswal Aged About 32 Years Proprietor- Om Sai Rice Mill, Katghora, Resident Of Village- Nawagaon, Ward No. 5, Katghora, Police Station - Katghora, District- Korba (Chhattisgarh)
2. Vimla Devi Jaiswal W/o Har Prasad Jaiswal Aged About 52 Years Resident Of Village- Nawagaon, Ward No. 5, Katghora, Police Station - Katghora, District - Korba (Chhattisgarh).

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Food & Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector (Food Branch), Korba, District- Korba (Chhattisgarh)
3. The Food Inspector, Katghora, District- Korba (Chhattisgarh)
4. The Tahsildar, Katghora, District- Korba (Chhattisgarh)
5. District Marketing Officer, Korba, District- Korba (Chhattisgarh)
6. Amit Jaiswal S/o Harprasad Jaiswal
7. Harprasad Jaiswal S/o Kanhaiyalal Jaiswal

Residents No. 6 & 7 are resident of Village- Nawagaon, Ward No. 5, Katghora, Police Station - Katghora, District- Korba (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Raghvendra Pradhan, Advocate
For Respondent No. 1 to 4/State	:	Shri R.K. Gupta, Dy.A.G.
For Respondent No.5	:	Shri Akash Pandey and Shri Keshav Dewangan

Order On Board

20/08/2015

Heard.

1. This petition has been filed by the petitioners aggrieved by the coercive steps taken by the respondents to auction property standing in the name of petitioner No.2 in the matter of recovery against petitioner No.1 pursuant to order dated 23.2.2015 passed by the Collector.
2. Learned counsel for the petitioners submits that against order of the Collector, the petitioners have preferred an appeal before the State Govt. along with application for grant of stay. However, the appeal is not being heard nor stay application is being

decided and in the meanwhile, the proceedings towards recovery have been initiated to the extent that even the property of petitioner No.2 is being auctioned.

3. If the petitioners have preferred an appeal and also application for stay, they are entitled to expeditious hearing of stay application, particularly when the order impugned in the appeal is being put to execution and recovery is being made through coercive process.
4. At this stage I am not inclined to keep this matter pending. It would be expedient in the interest of justice that this petition is disposed off at this stage with a direction to respondent No.1 to consider partitioner's application for stay expeditiously and as early as possible.
5. Till the petitioners' application for stay is decided, the recovery through coercive process including auction etc. shall not be held. The protection, however, shall lose its efficacy if the petitioners seek any adjournment before the Appellate Authority on the date fixed for hearing of stay application.
6. It is made clear that this Court has not observed on the merits of the case and it will be open for the Appellate Authority to decide the matter on its own merits, in accordance with law.

Sd/-
(Manindra Mohan Shrivastava)
Judge