

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1482 of 2015

- Sanskar Rice Industry A Industry Registered Under The Provisions Of Indian Factories Act Having Its Registered Office At In Front Of Nirmal Petrol Pump, Jagdalpur Road Chotood, Tahsil - Gurur, District - Balod Chhattisgarh, Through Its Sole Proprietor Pintu Dagga, S/O Shri Dharam Chand Dagga, Age 35 Years, R/O Sadar Bazar, Dhamtari, Civil & Revenue District - Dhamtari Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Food Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh
2. Chhattisgarh State Cooperative Marketing Federation Limited, Through Its Managing Director, Raipur, District Raipur Chhattisgarh
3. District Marketing Officer, State Cooperative Marketing Federation Limited, Balod Chhattisgarh
4. Collector, Balod, District Balod Chhattisgarh
5. Tahsildar, Balod, District Balod Chhattisgarh

---- Respondents

27/08/2015	Shri Malay Shrivastava, counsel for the petitioner. Ms. M. Asha, PL for the State. Shri Mayank Chandrakar, counsel for respondent No. 2 & 3. Heard. Learned counsel for the petitioner would submit that another batch of writ petition which was decided by the Division Bench of this Court in WP(C) Nos. 945/2015 and 947/2015 were decided by order dated 08/07/2015, however, the petitioner had not preferred the earlier writ petition. Subsequently as per the direction given by the Division Bench the other writ petitioners who were party to the earlier writ petition had filed the appeal in terms of para	

8 of the order, therefore, he submits that the appeal having been preferred, the Secretary is not deciding the same as he was not a party in the earlier writ petition, however, the Division Bench of this Hon'ble Court has passed the orders. The relevant part of para 8 & 9 are reproduced hereunder :-

"8. If the petitioners file an appeal within ten days under clause 15.2 of the agreement before the Secretary, Department of Food and Civil Supplies, the Secretary concerned is required to consider the claims and grievances of the petitioners and dispose it by a reasoned and speaking order with utmost expeditiousness considering that notice has already been issued to the petitioners for recovery as arrears of land revenue. If the petitioners seek interim relief before the Secretary, so that their appeal itself be not rendered infructuous, we expect the Secretary to consider the prayer for interim relief expeditiously with law.

9. In this manner, the Secretary after considering the grounds taken in the appeal shall dispose of the matter by a speaking and reasoned order by a maximum period of three months, if not, earlier from the date of receipt and/or presentation of the appeal, subject to the cooperation by the parties."

Considering the fact that the Division Bench of this Court has already adjudicated on the issue and has directed the other petitioners to file an appeal and in such eventuality it would be decided within further period of three months. The petitioner is also entitled for the similar relief considering the fact that the appeal has already been preferred. Petitioner has filed appeal on 22/07/2015, so in my opinion in order to grant similar relief, the Secretary concerned is required to consider the claims and grievance of the petitioner and dispose of it by a reasoned and speaking order with utmost expeditiousness considering that notice has already been issued to the petitioner for recovery of arrears of land revenue. The interim relief if claimed for that may also be decided in accordance with law.

With such observation, it is further expected that in view of the order of Division Bench, the appeal which has been

Kamde	preferred shall also be decided in accordance with law, within a further period of three months. Accordingly, writ petition stands disposed of. Sd/- (Goutam Bhaduri) Judge	
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