

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1912 of 2015

- Bhagirathi Matiyara S/o Late Shri Radheshyam Matiyara Aged About 48 Years President, Machali Vyavsayi Kalyan Sangh Machhali Market Durg R/o Dhimarpara Near To Hanuman Mandir Ward Number 33 Durg, Tah. Durg, Civil & Revenue District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Chhattisgarh Samanya And Sthaniya Prashashan Vibhag Mantralay, Naya Raipur, Chhattisgarh.
2. Collector, Durg District Durg (Chhattisgarh)
3. Commissioner, Nagar Paliknigam, Durg, District Durg Chhattisgarh.
4. Health Officer, Nagarpaliknigam Durg District Durg Chhattisgarh.

---- Respondents

For Petitioner	Shri R.K. Patel, Advocate
For Respondent/State	Shri S. Majid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

28/10/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. In this petition under Article 226/227 of the Constitution of India, the petitioner is seeking direction to the respondents to not to close his business and the business of the members of association, of which the petitioner is the president and they be provided adequate security at the time of various festivals.

3. The petitioner claims to be trading in fish and non-vegetarian food items. His grievance is that the respondent Municipal Corporation, Durg time and again issues directions to close the business at the time of festivals or on other occasions, which causes pecuniary loss to the petitioner.
4. A perusal of the order issued by the Municipal Corporation, Durg filed as Annexure-P-1 would demonstrate that the same has been issued in exercise of enabling power granted to it by the State Government on 18.05.1990. The petitioner has not filed the said order of the State Government. Moreover, the orders annexed with the writ petition were passed prior to filing of the present writ petition and thus, the dates on which the business was directed to be closed are already over. The writ petition is thus infructuous.
5. For the above stated reasons, the writ petition is dismissed, however, liberty is reserved in favour of the petitioner to move afresh, as and when occasion arises.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA