

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1747 of 2015

Vinay Kumar Banjare S/o Late Roop Das Banjare, Aged About 32 Years Occupation Incharge Paddy Purchase Center Seva Sahkari Samiti Lauda, R/o Village Lauda, Police Station & Tahsil Pathariya, District Mungeli (Chhattisgarh), Civil And Revenue District Mungeli (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Mantralaya Raipur, Police Station Rakhi, District Raipur, Civil & Revenue District Raipur (Chhattisgarh)
2. Chief Executive Officer Zila Sahkari Kendriya Bank Maryadit Nehru Chowk Bilaspur, Police Station Civil Lines, Tahsil & District Bilaspur (Chhattisgarh), Civil And Revenue District Bilaspur (Chhattisgarh)
3. Branch Manager, Zila Sahkari Kendriya Bank Maryadit Pathariya, Police Station & Tahsil Pathariya, District Mungeli (Chhattisgarh), Civil District Bilaspur, Revenue District Mungeli (Chhattisgarh)
4. Assistant Registrar, Co-Operative Societies Mungeli, Police Station, Tahsil & District Mungeli (Chhattisgarh) Civil District Bilaspur, Revenue District Mungeli (Chhattisgarh)
5. District Marketing Officer Chhattisgarh Rajya Sahkari Vipadan Sangh Maryadit Shikshak Nagar Mungeli, Police Station, Tahsil & District Mungeli (Chhattisgarh) Civil District Bilaspur, Revenue District Mungeli (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ratnesh Kumar Agrawal, Advocate.
For Respondents No.1,4 & 5/State	:	Shri Dilman Rati Minj, Dy. G.A.
For Respondents No.2 & 3	:	Shri Ramakant Pandey, Advocate on advance copy.

Order On Board

30/09/2015

Heard.

1. This petition has been filed by the petitioner for quashing notice dated 11.09.2015 by which the petitioner has been asked to deposit shortage of paddy failing which action would be taken.

2. Learned counsel for the petitioner submits that the impugned letter has been issued to the petitioner without seeking any explanation from the petitioner. According to him, in ordinary course of storage of paddy, for various reasons there is loss and even if it is accepted that there is some shortage, petitioner cannot be held responsible as shortage may be for any reason including reasons not attributable to any act of commission or omission on the part of the petitioner. He submits that the authority was intimated this fact on several occasion but without considering all these aspects the impugned communication has been made.

3. The impugned letter requires the petitioner to deposit shortage of paddy. In the petition, it has been vaguely stated that the petitioner intimated to the respondent regarding various problems. However, no material is on record to show that the petitioner approached the authority either before or after issuance of impugned communication. The petitioner has rushed to this Court without making any attempt to satisfy competent authority that either there is no shortage or shortage is for reasons not attributable to any act of commission or omission on the part of the petitioner. Therefore, I am not inclined to entertain this petition at this stage. It is open for the petitioner to submit representation to the authority who has issued notice dated 11.09.2015 (Annexure P/1) to the petitioner and satisfy him that either there is no shortage or that he is not responsible. If any such application is made within a period of 15 days from today, respondent No.2 shall enquire the matter and take appropriate steps on the basis of such enquiry.

4. With the aforesaid limited direction, this petition is disposed off at this stage.

Sd/-
Manindra Mohan Shrivastava

J U D G E