

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 640 of 2016

Jai Karma Mahila Swa Sahayata Samuh Through President, Smt. Mongara Bai, W/o Shri Sanat Kumar Sahu, Aged About 52 Years, R/o Village Bhaisa, Post Balsamund, Tah. & Distt. Bemetara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector (Food Dept), Bemetara, Tah. & Distt. Bemetara, (Chhattisgarh)
2. The Sub Divisional Officer, Sub Division Bemetara, Tah. & Distt. Bemetara, (Chhattisgarh)
3. The District Food Controller, Bemetara, District Bemetara, (Chhattisgarh)
4. Dabari Devata Mahila Swa- Sahayata Samuh, Through: President, Village: Bhaisa, Post: Balsamund, Tah. & Distt. Bemetara, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Amiyakant Tiwari, Advocate.
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/03/2016

Heard.

1. This petition has been filed by the petitioner aggrieved by allotment of fair price shop to respondent No.4 ignoring the claim of the petitioner.
2. At the outset, the objection of the State counsel is that in view of provision contained in Rule 18 of the Chhattisgarh Public Distribution System (Control) Order, 2004, there is statutory remedy of appeal before the Collector.

3. Learned counsel for the petitioner do not dispute the legal position.

4. In view of the above, in the absence of any extraordinary ground for entertaining this petition under Article 226 of the Constitution of India without insisting on exhaustion of alternative remedy of appeal, I am not inclined to interfere with the order. The petition is dismissed with liberty to file appeal before the Competent Authority as provided under Rule 18 of the Chhattisgarh Public Distribution System (Control) Order, 2004. The period during which the petition remaining pending before this Court, shall be excluded while considering prayer for condonation of delay in filing appeal.

Sd/-

(Manindra Mohan Shrivastava)
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