

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2158 of 2015

Yadunandan Sao S/o Late Natwar Sao, Aged About 56 Years R/o Near Tindarshan Mandir, Camp 1, Bhilai, P.S. Chhawani, Distt. Durg, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Department Of Food And Civil Supply, Mantralaya, New Raipur, Mahanadi Bhawan, District Raipur, (Chhattisgarh)
2. Commissioner, Durg Division, Durg, Distt. Durg, (Chhattisgarh)
3. Collector, Durg, District Durg, (Chhattisgarh)

---- Respondents

Shri Shrawan Agrawal, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/03/2016

Heard on admission.

Learned counsel for the petitioner submits that the order passed by the Commissioner is illegal, arbitrary and unsustainable in law on the grounds stated in the petition.

2. Learned State counsel however raises preliminary objection with regard to maintainability of the petition by submitting that the petitioner has an efficacious and alternative remedy of filing statutory revision before the State Government.

3. The impugned order has been assailed on various grounds but it does not appear to be a case of violation of principles of natural justice or want of jurisdiction or tainted with malafides. In view of the judgment of

the Supreme Court in the case of **Whirlpool Corporation v. Registrar of Trade Marks, Mumbai (1998) 8 SCC 1**, I am not inclined to entertain this petition. The petition is accordingly dismissed with liberty to file revision before the revisional authority as provided under Clause 17 of the C.G. Kerosene Vyapari Anugyapan Aadesh, 1979.

The period during which this petition remained pending before this Court, shall be excluded while considering the application for condonation of delay in filing revision.

Sd/-

(Manindra Mohan Shrivastava)
Judge