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(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

2679
W.P. No...../2006

PETITIONER:

Vikas Traders
Kamala Super Market
Telghani Naka, Raipur
Through Proprietor Anil Agrawal
S/o Shri Sajan Agrawal
Aged about 44 years
R/o Devendra Nagar
Raipur (C.G.)

RESPONDENTS:

VERSUS

1. State of Chhattisgarh
Through the Minister-in-Charge/
Principal Secretary
Department of Food & Civil Supply
and Consumer Protections
D.K.S. Bhawan, Mantralaya
Raipur (C.G.)
2. Director
Food Civil Supply and
Consumer Protection
Raipur (C.G.)
3. Collector (Food Section)
Raipur (C.G.)
4. Food Controller
Raipur (C.G.)
5. Shri Prakash Chand Chhabda



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S/o Late Ishwar Chand Chhabda
R/o Shankar Nagar, Raipur
(C.G.)

6. Shri Nirmal Singh Saluja
S/o Shri Khel Singh Saluja
R/o Devendra Nagar
Raipur (C.G.)

7. Smt. Vimla Rani Chhabda
W/o Shri Prakash Chand Chhabda
R/o Shankar Nagar, Raipur (C.G.)

8. Shri Premnath Arora
S/o Shri Lubhaya Ram Arora
R/o Fafadih, Raipur (C.G.)

9. Shri Anil Kumar Agrawal
S/o Shri M.N. Agrawal
R/o Devendra Nagar, Raipur (C.G.)

10. Shri Purnanath Arora
S/o Shri Premnath Arora
Fafadih, Raipur (C.G.)



PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF
MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE
WRITS AND DIRECTIONS:-



19/1/17

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HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 2679 of 2006

- Vikas Traders

---- Petitioner

Versus

- State Of Chhattisgarh & Ors.

---- Respondent

And

WP No. 1157 Of 2006

- Maruti Agro Product Pvt.Ltd.

---- Petitioner

Vs

- State Of Chhattisgarh & Ors.

---- Respondent

For Petitioners	Shri Jitendra Pali, Advocate
For Respondent-State	Shri R. K. Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/01/2017

1. Petitioners would call in question the order passed by the State Government on 16.01.2006, communication dated 22.03.2006 by the State Government to the Collector,



Raipur and the subsequent memo issued by the Collector, Raipur on 06.05.2006 deputing Food Officers for conduct of auction to sell the seized wheat.

2. In both the matters, the Food Inspector intercepted the respective vehicles and seized wheat weighed at 140 quintals in the case of Vikas Traders and 2086 quintals in the case of M/s Maruti Agro Product Pvt. Ltd. The Collector (Food), Raipur thereafter passed an order on 29.10.2005 to release the vehicle and wheat from confiscation. As against this order of Collector, the Food Department preferred an appeal before the Secretary (Food), wherein an interim order was passed on 16.01.2006 staying the operation of the order passed by the Collector on 29.10.2005.
3. The interim order passed by the State Government on 16.01.2006 has been stayed by this Court and since then the petitions are pending. Although challenge has been made to the jurisdiction of the State Government to entertain the appeal, yet considering the fact that these petitions are mainly against an interim order and it is pending since 2006, this Court deems it appropriate to dispose of the writ petitions with a direction to the State Government to decide the pending appeal, on its own merits, at the earliest. The petitioners may raise all contentions, both factual and legal, before the State Government. If the petitioners raise



preliminary objection about the maintainability of the appeal, the Appellate Authority shall decide the preliminary objection before deciding the appeal on merits.

4. Till the matter is finally decided by the State Government, the interim order passed by this Court shall continue.
5. The writ petitions stand disposed of.

Sd/-
Prashant Kumar Mishra
PR. Judge

Nirala