

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No. 1848 of 2017

Jay Durga Vandana Mahila Swa Sahayata Samuh, Bhilauri, Through Its President Smt. Phulesher Bai Nishad Wife Of Shri Neelkanth Nishad, Aged About 48 Years, R/o Bhilauri, Post Lawatara, Block Berla, District Bemetara (Chhattisgarh).

---- Petitioner

Versus

1. The State Of Chhattisgarh, Through The Secretary, Food Civil Supplies Consumer Protection Department, Mahanadi Bhawan, Mantralaya New Raipur (Chhattisgarh).
2. The District Programme Officer, Women And Child Development Department, Bemetara, District Bemetara (Chhattisgarh).
3. Jay Mahamaya Mahila Mandal Bhatgaon, Through Its President Smt. Neelam Wife Of Santosh, Aged About 27 Years, R/o Village Bhatgaon And Post Sarda, Sector-I, Thana And Tahsil Berla, District Bemetara (Chhattisgarh).

---- Respondents

For Petitioner	:	Ms Sharmila Shinghai, Advocate
For Respondent No.1 and 2	:	Mr.P.K.Bhaduri, G.A.
For Respondent No.3	:	Mr.Vinay Pandey, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/7/2017

1. Learned counsel appearing for the petitioner would submit that the petitioner has not been heard by the State Government while passing the impugned order dated 15.6.2017.
2. Learned Government Advocate appearing for respondents No.1 and 2/State would submit that no direction has been given by this court in the earlier writ petition to hear the petitioner, therefore, the petitioner was not noticed.
3. On the other hand, learned counsel appearing for respondent No.3 would support the impugned order.
4. I have heard learned counsel appearing for the parties, considered

their rival submissions made hereinabove and also gone through the record with utmost circumspection.

5. It is not in dispute that while passing the impugned order dated 15.6.2017 the petitioner was neither noticed nor heard, which is sufficient ground to set aside the impugned order.
6. Accordingly, the writ petition is allowed and the impugned order dated 15.6.2017 (Annexure P/1) passed by respondent No.1 is set aside. Respondent No.1/State Government is directed to hear the petitioner, respondent No.3 and other interested persons and to pass a reasoned order as early as possible preferably within a period of 45 days from the date of receipt of certified copy of this order. The petitioner is free to make an application for grant of stay before the State Government. If such an application is filed, the State Government shall consider the same within 7 days from the date of receipt of the application. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-