

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Reserved on 27.07.2017****Delivered on 01.08.2017****Writ Appeal No. 268 of 2017**

- Sonu Swa Sahayata Samuh Binouri Sector Loharsi Tahsil Masturi, District Bilaspur Chhattisgarh. Through Its Chairman Smt. Satkali Bawre, Aged About 37 Years, W/o Jitendra Kumar Bawre, R/o Village Binouri, Police Station Pachpedi, Tahsil Masturi Civil & Revenue District Bilaspur Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary, Women And Child Development Department, Mahanadi Bhawan, Mantrayala, Raipur, Police Station Rakhi, Civil & Revenue District Raipur Chhattisgarh.
2. Collector, Collectorate Office Bilaspur, Police Station Civil Lines, Tahsil, Civil & Revenue District Bilaspur Chhattisgarh.
3. Project Officer, Integrated Child Development Scheme Masturi, Police Station & Tahsil Mastri, Civil & Revenue District Bilaspur Chhattisgarh.
4. The District Program Officer, Women And Child Development Department, Bilaspur, Police Station Civil Lines, Tahsil, Civil & Revenue District Bilaspur Chhattisgarh.
5. Chairman, Karma Mahila Swa Sahayata Samuh Okhar, Police Station Pachpedi, Tahsil Masturi, Civil & Revenue District Bilaspur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Ratnesh Agrawal, Advocate
For Respondent -State	:	Shri Avinash Singh, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****C.A.V. JUDGMENT****Per Sharad Kumar Gupta, Judge**

1. In this Writ Appeal the challenge levied is to the order dated 13.07.2017 passed by the learned Single Judge of this Court in Writ Petition (C) No. 1914/2017 whereby the said Writ Petition was dismissed.
2. The appellant is a registered society. It entered into an agreement Annexure P3 with respondent No.3 for production and supply of ready to eat food at the

Anganbadi centres under the sectors of Loharsi. On 01.06.2017 respondent No.4 made an inspection and found some irregularities. On 05-07-2017 based on the inspection report Annexure P4, respondent No.3 issued a notice Annexure P2 and also an order Annexure P1 to the appellant directing to immediately stop the production and supply of ready to eat food till further orders, and directed respondent No.5 to produce and supply the same as an alternative arrangement. Following that, the appellant filed the Writ petition which was dismissed by the learned single judge vide order Annexure A1.

3. The learned Advocate Shri Ratnesh Agrawal advanced argument on behalf of the appellant that order Annexure P1 is arbitrary because it has been passed without waiting of his reply. If the reply was found unsatisfactory then only Respondent no.4 would be justified in taking action against him. Now a days the production unit has become workless and facing financial crisis.
4. Shri R.K.Gupta Deputy Advocate General for the State supported the said order submitting that material irregularities were found which could not be ignored because relates to the quality of meals.
5. The provisions of Clause 14 of the Agreement, Annexure P3, which is of great importance to settle the dispute, states that, the decision of the committee constituted under the Chairmanship of District Collector would be final in case any dispute arises. In this case the dispute has not been decided by the aforesaid committee and pending for adjudication.
6. It is manifest from Annexure P1 that appellant was stopped temporarily from production and supply of ready to eat food at Anganbadi centres and as an interim measure respondent no.5 was directed to produce and supply the same.
7. The object behind the production and supply of ready to eat food at Anganbadi centres comes under the welfare and development policy of the Government which has been made to provide nutritious food to the poor children of the society. It aims to serve good quality meals to recipients.

8. Considering the above facts and the provisions of clause 14 of Annexure P3, it would be proper that the dispute must be decided by the committee constituted under the chairmanship of District Collector, Bilaspur. Thus, Respondents no. 1,2, 3 and 4 are directed to constitute a committee under the chairmanship of Respondent no. 2 to decide the issue, arose in the case in hand, amicably after hearing the grievances, if any, raised by appellant as early as possible.
9. In view of the aforesaid, we do not find any ground to interfere with the impugned judgment. The appeal is liable to be dismissed. However, it is disposed of in terms of the directions contained in the preceding paragraph.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge