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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.92 of 2018

Asha Prathmik Sahakari Upbhokta Bhandar, Ambedkar Nagar, Bilaspur, Ward No. 15 Old Ward No. 13 Through Its President Salim Mohammad S/o Shri Shabbir Hussain, Aged About 33 Years, Resident Of Talapara, Near Goverdhan Bada, P. S. Civil Lines, District Bilaspur Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Food Civil Supplies And Consumer Protection, Mahanadi Bhawan, New Mantralay, District Raipur Chhattisgarh., Chhattisgarh
2. The Director, Directorate Of Food Civil Supplies And Consumer Protection, Block No. 2, 3rd Floor, Indrawati Bhawan, New Mantralay, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Collector Food Collectorate Office, Bilaspur, District Bilaspur Chhattisgarh. , District : Bilaspur, Chhattisgarh
4. The Controller, Food, Near Collectorate Office, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

--- Respondents

For Petitioner : Mr. Prakash Tiwari, Advocate
For State : Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

18/01/2018

(1) Learned counsel appearing for the petitioner would submit that impugned order dated 05.01.2018 (Annexure P/1) passed by respondent No.4 and show-cause notice dated 12.09.2017 (Annexure P/2) issued by respondent No.3 is without jurisdiction and without authority of law and clause 16(3) of the Chhattisgarh Public Distribution System (Control) Order 2016 has not been followed by the

respondent authorities, against which this writ petition under Article 226 of the Constitution of India has been filed.

(2) On the other hand, learned counsel appearing for the State would submit that against the order of Collector, the petitioner has an efficacious remedy to file an appeal under clause 18(2) of the Chhattisgarh Public Distribution (Control) Order, 2016 before the State Government.

(3) I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

(4) Earlier, this Court by order dated 13.07.2017 has referred the matter to the Collector, Bilaspur to consider and take a decision on the case of the petitioner as per Clause 16(3) of Chhattisgarh Public Distribution (Control) Order, 2016. Pursuant to the order of this Court, the Collector, Bilaspur has passed impugned order after providing proper opportunity of hearing to the petitioner.

(5) Since the petitioner has an efficacious remedy to file an appeal under clause 18(2) of the Chhattisgarh Public Distribution (Control) Order, 2016 before the State Government, therefore, I am not inclined to entertain the instant writ petition. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to prefer an appeal before the State Government in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge