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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.242 of 2018

Guru Prathmik Upbhokta Bhandar Ward No. 8, Rajendra Nagar Bilaspur Through Its President Ghanshyam Mishra, S/o Shri P.N. Mishra, Aged About 62 Years, R/o Jabdapara, Sarkanda, Bilaspur, District Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

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

--- Respondents

For Petitioner : Mr. Prakash Tiwari, Advocate
For State : Mr.R.N. Pusty, Government Advocate

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

30/01/2018

(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 System (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 27.07.2017 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

L/-