

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1105 of 2018**

BSP Employees Consumers Cooperative Store Ltd. Sector IV(B), Through Its President Ramnath Singh S/o Shri Hira Singh, Aged About 75 Years, R/o 5D/11 Sector 4 Bhilai District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. The Director, Directorate Of Food, Civil Supplies And Consumer Protection, Block No. 2, 3rd Floor Indrawati Bhavan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
3. The Collector (Food), Collectorate Office, Durg, District Durg Chhattisgarh.
4. The Controller (Food), Behind Collectorate Office, Durg, District Durg Chhattisgarh.
5. Maa Ujjawala Mahila Swa- Sahayata Samooh Bhilai I.D. No. 431004105, Bhilai, District Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Vipin Tiwari, Advocate.
For Respondents/ State	:	Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****19/04/18**

1. This Court, by order dated 11.07.2017, in the batch of writ petitions, remitted the matter to the Collector, Durg and Bilaspur to decide the case of the petitioner in accordance with law. Now, by order dated 09.10.2017, the Collector has cancelled the shop of the petitioner and directed to merge with the shop of respondent No. 5, aggrieved against which this writ petition has been preferred.

2. Learned counsel appearing for the petitioner would submit that the impugned order is unsustainable and bad in law as the Collector has not exercised the original jurisdiction as directed by this Court but has exercised the appellate power and, therefore, the impugned order be set aside.

3. On the other hand, learned State counsel would submit that the order passed by the Collector is appealable under sub-clause (2) of Clause 18 of the Chhattisgarh Public Distribution System (Control) Order, 2016 and as such, the petitioner be relegated to the remedy of appeal.

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

5. In fact, this Court, by its order dated 11.07.2017, has remitted the matter to the Collector to issue show cause notice and take decision and to pass a reasoned and speaking order within three months from the date of receipt of certified copy of this order. If petitioner is aggrieved, he is at liberty to prefer an appeal before the appellate authority / State Government and, therefore, the order passed by the Collector is appealable under Section 18(2) of the Chhattisgarh Public Distribution System (Control) Order, 2016 before the State Government.

6. Accordingly, the writ petition is held to be not maintainable and is disposed of with liberty to the petitioner to prefer an appeal before the appellate authority under Sub-clause (2) of Clause- 18 of the Chhattisgarh Public Distribution System (Control) Order, 2016. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge