

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 530 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.

---- Appellant/

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 Appellant	:	Shri Vipin Tiwari, Advocate.
For Respondent/State	:	Shri Ravindra Agrawal, G.A.

Hon'ble Shri Pritinker Diwaker &
Hon'ble Shri Gautam Chourdiya, JJ

Judgment On Board By Justice Pritinker Diwaker

04/07/2018

The appellant herein had filed a writ petition assailing the order dated 9.10.2017 passed by the Collector, Durg cancelling the allotment of shop of the petitioner and directing to merge with the shop of respondent No.5.

02. Learned Single Judge after considering the arguments advanced

on behalf of the appellant/petitioner has recorded a finding that on 11.7.2017 this Court while deciding the batch of writ petitions had remitted the matter to the Collector directing that after issuance of notice, the matter be decided by a reasoned and speaking order and accordingly, the order was passed by the Collector. The writ Court has further observed that if the petitioner is aggrieved by the order of the Collector, the same can be assailed before the appellate authority and once the order is appealable one under Section 18(2) of CG Public Distribution System (Control) Order, 2016 before the State Government, the writ petition is not maintainable.

03. Having gone through the order passed by the learned Single Judge, we are of the view that the learned Single Judge has rightly dismissed the writ petition as being not maintainable on the ground that the order impugned passed by the Collector is appealable before the State Government under Section 18(2) of the CG Public Distribution System (Control) Order, 2016. Therefore, appellant/petitioner, if aggrieved by the said order, is at liberty to challenge the same before the appellate authority. However, the point of limitation is kept open to be decided by the appellate authority in accordance with law.

04. In the result, the appeal being without any substance is liable to be dismissed and is hereby dismissed at the admission stage itself.

Sd/

(Pritinker Diwaker)
Judge

Sd/

(Gautam Chourdiya)
Judge