

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.2261 of 2018

Rahul Gupta S/o Sagar Prasad Gupta Aged About 25 Years Reena Gupta (Mother And Ration Card Holder), R/o Village Chaki Tahsil Ramanujganj, District- Balrampur, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Food And Public Distribution Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh
2. The Collector Balrampur District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh
3. The Sub Divisional Officer Ramanujganj, District- Balrampur, Chhattisgarh
4. Tahsildar Ramanujganj, District- Balrampur, Chhattisgarh
5. Food Inspector Ramanujganj, District- Balrampur, Chhattisgarh
6. Multipurpose Cooperative Society Chaki, Development Block Ramchandrapur, District- Balrampur, Chhattisgarh, Through Its President Manoj Gupta, S/o Ramlakhan Sao, R/o Village Chaki, Tahsil Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh
7. Director Maa Mahamaya Swa Sahayata Samuh Bagra Gram Panchayat Bagra, Development Block Ramchandrapur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	: Mr.A.K.Prasad, Advocate
For Respondents No.1 to 5	: Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

9/8/2018

1. Learned counsel for the petitioner would submit that the impugned order passed by the Collector, Balrampur is unsustainable and bad in law.
2. Learned Deputy Advocate General for respondents No.1 to 5/State would submit that order is appealable under clause 18(2) of the Chhattisgarh Public Distribution System (Control) Order, 2016 (hereinafter called as 'Order 2016').
3. I have heard learned counsel for the parties.
4. Clause 18(2) of the Order 2016 provides as under:-

“18. Appeal.-

(1) xxx xxx xxx

(2) Any person aggrieved by an order of the Collector may appeal to the State Government within a period of 30 days of receipt of the order and its decision shall be final.

(3) and (4) xxx xxx xxx.”

5. Since the order passed by the Collector is appealable before the State Government, this Court is not inclined to entertain the present writ petition.
6. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to prefer an appeal before the State Government under Clause 18(2) of the Order 2016.
7. Needless to say, if such an appeal is preferred by the petitioner, the State Government would do well to consider and decide the same expeditiously preferably within a period of three months from its presentation. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-