

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3125 of 2018**

1. Dodil Sonkar S/o Lt. Ramcharan Sonkar Aged About 55 Years R/o Nandai, Ward No. 48, Sonkar Para Rajnandgaon, Tahsil And District- Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

1. Krishi Upaj Mandi Samiti Rajnandgaon, Through-Officer In Charge, Basantpur Rajnandgaon, Tahsil And District- Rajnandgaon, Chhattisgarh.
2. The Mandi Secretary Krishi Upaj Mandi Samiti, Rajnandgaon, Basantpur Rajnandgaon, Tahsil And District- Rajnandgaon, Chhattisgarh.

---- Respondent

 For Petitioner

 Shri Rakesh Thakur, Advocate
Order On Board**By****Prashant Kumar Mishra, J.****28/11/2018**

1. Petitioner was allotted a shop by the Krishi Upaj Mandi Samiti, Rajnandgaon. The said allotment has been cancelled for the reason that the petitioner's son was found in possession of 17 quarters of foreign liquor. A criminal case is pending against the petitioner's son.
2. Learned counsel for the petitioner would submit that since the shop was allotted to the petitioner and not to his son, lease of

the shop could not have been cancelled. According to him, the petitioner had never authorised his son to possess illicit liquor and his son has been wrongly framed in the subject crime.

3. A perusal of the show cause notice (Annexure – P/3) issued to the petitioner would indicate that the petitioner was accused of violating the provisions of Section 32 of the Chhattisgarh Krishi Upaj Mandi Adhiniyam, 1972 (for short 'the Adhiniyam'). Section 34 of the Adhiniyam provides for appeal against an order of the Chairman, Market Committee or the Director passed under Sections 32 or 33 of the Adhiniyam.
4. Let the petitioner move an appeal under Section 34 of the Adhiniyam within a period of 30 days from today. Thereafter, the appellate authority shall consider and decide his appeal, in accordance with law and on its own merits, at the earliest preferably within a period of six weeks.
5. During pendency of the appeal preferred by the petitioner, he shall not be dispossessed from the subject premises.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the appeal of the petitioner, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.
7. Accordingly, the writ petition stands disposed of.

Sd/-

Gowri

Judge
Prashant Kumar Mishra