

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 285 of 2019**

1. M/s Shankarlal Agrawal Through Proprietor, Shankarlal Agrawal, S/o Mangelal Agrawal, Aged About 57 Years, R/o Dhimrapur Chowk, Raigarh, Tahsil - District - Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Food, Civil Supplies And Consumer Protection Department, Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Controller Department Of Legal Metrology Atal Nagar Raipur Chhattisgarh.
3. Assistant Controller Department Of Legal Metrology Raigarh In front Of Srijan Bhawan Collectorate Raigarh Tahsil And District - Raigarh Chhattisgarh.

---- Respondent

For Petitioner

Shri Vivek Kumar Pandey, Advocate

For Respondent/State

Shri Jitendra Pali, Dy. Adv. General

Order On Board**By****Prashant Kumar Mishra, J.****06/02/2019**

1. Petitioner's appeal has been dismissed by the State Government on the ground of limitation, despite noticing that due to fracture of his left leg the petitioner was admitted in the hospital from 8-1-2018 to 13-1-2018. The petitioner contends that he was advised to take bed rest after his discharge from

hospital, therefore, the appeal could not be preferred within time.

2. Considering the entire facts situation of the case and for the reason that the fact of petitioner's ailment is not disputed, the writ petition is allowed at the admission stage.
3. Accordingly, the impugned order is set aside and the matter is remitted back to the appellate authority i.e. the Secretary to the Government of Chhattisgarh, Department of Food, Civil Supplies and Consumer Protection, for deciding the petitioner's appeal, in accordance with law and on its own merits.
4. 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.
5. Ordered accordingly.

Sd/-

Judge
Prashant Kumar Mishra

Gowri