

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Appeal No. 475 of 2018

Sharad Chandra Komalwar S/o. Shri Late Anirudha Komalwar, Aged About 46 Years R/o 10/1739, Bramhadai Para, Behind Of Jethani Narsing Home, Khamtarai, District Raipur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Its Secretary Agriculture Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. Chhattisgarh State Agriculture Marketing Board Through Its Managing Director, Chhattisgarh State Agriculture Marketing Board, Bij Bhawan, Telibandha Raipur Chhattisgarh.
3. High Power Caste Certificate Scrutiny Committee Through Vice President Cum Director, Adim Jati Anusandhan Evam Prashikshan Sansthan, State Of Chhattisgarh, Pt. Ravishankar Shukla University Premises Raipur Chhattisgarh.

---- Respondents

For Appellant	: Shri Vinod Deshmukh, Advocate.
For Respondent/State	: Shri Vikram Sharma, Panel Lawyer.
For Respondent/Mandi Board	: Shri Yashwant Singh Thakur, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

13/03/2019

Per Ajay Kumar Tripathi, Chief Justice

1. Heard counsel for the parties.
2. The learned Single Judge vide order dated 05.03.2018 vacated the interim order of protection which was granted earlier on 02.06.2016 in Writ Petition (S) No.2063 of 2016 keeping in mind the subsequent development in law, especially the Apex Court's decision rendered in the case of **Chairman and Managing Director, Food Corporation of India and Others v. Jagdish Balaram Bahira and Others** reported in **(2017) 8 SCC 670**.

3. The rational and reason given by the learned Single Judge for vacating the interim order granted earlier in view of the development in law cannot be said to be erroneous.

4. We therefore decline to interfere with the order dated 05.03.2018, however, leaving it to the Petitioner to argue his case since the main writ application as well as yet another writ application having bearing on the issue raised herein are still pending adjudication.

5. The writ appeal is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE