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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 3877 of 2019

Shri Bajrang Industries Through Its Authorized Person Shri Sumeet Agrawal, S/o Shri Bajrang Lal Agrawal, Aged About 35 Years, Office At Village Kosrangi, District Mahasamund, Chhattisgarh. PS - Mahasamund

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Agriculture Development, Farmer Welfare And Bio - Technology, Mahanadi Bhawan, Mantralaya, Post And PS Mandir Hasaud, Atal Nagar, Raipur, Chhattisgarh

2. Krishi Upaj Mandi Samiti Mahasamund Through The Secretary, Tehsil And District Mahasamund, Chhattisgarh

3. Shri Kantilal Sahu, Village Kanharpuri, Post - Koma, Tehsil - Baghbahara, District Mahasamund, Chhattisgarh

4. Sub Divisional Officer(Police) Mahasamund, District Mahasamund, Chhattisgarh

---- Respondents

For Petitioner : Shri Apurv Goyal, Advocate
For State : Shri Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.11.2019

1. The challenge in the present writ petition is to the two documents

Annexure P-2 dated 13.09.2019 and Annexure P-5 dated 28.09.2019. Vide the first notice the respondent no.2 had directed the petitioner to pay an amount of Rs.5,26,826/- to the respondent no.3 against the alleged paddy purchased from respondent no.3. by the petitioner. The second notice has been issued with an additional direction that in addition to payment of Rs.5,26,826/- to respondent no.3, the petitioner is also liable to pay Mandi tax @ 5 times of the value of total paddy purchased by the petitioner.

2. The contention of the counsel for the petitioner is that before passing the two notices, the respondent authorities have not given fair opportunity of hearing to the petitioner. It is also the contention of the petitioner that subsequent to the first notice dated 13.09.2019 the petitioner submitted a detailed reply categorically denying the liability to the respondent no.2 but the authorities concerned did not care to discuss the explanation so given by the petitioner neither did the respondent no.2 call upon the petitioner to produce evidence available with it to show that the petitioner is not liable to make any payment to respondent no.3. The petitioner is also aggrieved by the action of the respondent no.2 who has directed the Police authorities at police outpost Kalari, Baghbahra, District Mahasamund for taking appropriate action on the complaint so made by respondent no.3.

3. From perusal of the record it appears that there does not seem to have been an enquiry conducted by the respondent no.2 before reaching to the conclusion that the petitioner is liable to pay an amount of Rs.5,26,826/- neither has there been a proceeding drawn

against the petitioner before making the petitioner liable to pay the Mandi tax 5 times of the value of total paddy purchased by the petitioner.

4. Given the said facts and also considering the nature of relief that respondent no.3 has sought for, this Court is of the opinion that ends of justice would meet if the respondent no.2 is directed to hold a preliminary enquiry in respect of the complaint lodged by respondent no.3. Respondent no.2 is further directed to call upon the petitioner as well as the respondent no.3 to adduce sufficient proof before it by which it could be determined as to the payment, if any due to the respondent no.3. Let this exercise be completed by the respondent no.2 at the earliest.

5. Th petitioner is directed to apprise the respondent no.2 in respect of the order passed by this Court. Till the respondent no.2 passes a fresh order based on the fresh enquiry, no coercive step shall be taken by the respondent no.2 against the petitioner arising out of Annexures P-2 & P-5.

6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

Khatai