

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4160 of 2019**

Uttara Bai W/o Ram Singh Aged About 45 Years President, Minimata Mahila Swa Sahayata Samooh, Village- Sivni, Block- Nawagarh, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Woman And Child Development, Mantralaya, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner (Revenue) Division- Durg, Chhattisgarh
3. Collector District- Bemetara, Chhattisgarh
4. District Program Officer District Woman And Child Development Department, District- Bemetara, Chhattisgarh
5. Project Officer Consolidated Child Development Project, District Bemetara, Chhattisgarh
6. President Puja Unnati Mahila Swa Sahayata Samooh, Village- Chamari, Tahsil- Nawagarh, District- Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. N. Naha Roy, Advocate
For State	:	Mr. Somkant Verma, PL
For Respondent No.6	:	Mr. C. K. Sahu, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/11/2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 17.10.2019 passed by the Commissioner, Durg, Division Durg. Vide the said order the learned Commissioner has dismissed the appeal preferred by the petitioner on the ground that they do not have the locus standi and the appeal thus was as not maintainable.
2. Fact of the case is that the respondent No.6 Mahila Swa Sahayata Samooh was engaged in preparing and supplying of ready to eat products at the Anganbadi Centers at village Bordehi, District Bemetara. Office of the Project Officer, integrated Child Development Project, Nawagarh District Bemetara on 07.11.2017 had imposed a fine of recovery of Rs. 1,57,521/- against the respondent No.6 Society. Since

there was an order of recovery initiated against the respondent No.6 Society as a stop gap arrangement, respondents had vide order dated 14.12.2018 Annexure P-4 had directed respondent No.6 to stop supply of ready to eat material for the time being, meanwhile an alternative arrangement was made by the society giving the said order to the petitioner. The order dated 14.12.2019 was challenged by respondent No.6 Society before Collector, Bemetara. Collector vide his order dated 07.03.2019 allowed the appeal of respondent No.6. Being aggrieved of the said order of Collector dated 07.03.2019, the present petitioner preferred an appeal before Commissioner, Durg Division. The Commissioner, Durg Division has rejected the appeal of the petitioner holding it to be not maintainable for the reason that they were not party to the proceedings below nor had the petitioner at any point of time moved an application for impleading the necessary party before Collector.

3. This Court, on perusal of record also do not find any illegality or error committed by the Collector for dismissing the appeal of the petitioner. What has to be seen is the order under challenge before the Learned Collector was one dated 14.12.2018 Annexure P-4 that was the order inter-se between the State authorities and respondent No.6. The petitioner as such was not in any manner related or involved in the dispute between respondent No.6 and State authorities so far as challenge to the order dated 14.12.2018 is concerned. The petitioner in between was only awarded with the work as there was an order given against the supply to be made by the respondent No.6 pursuant to the order dated 14.12.2018. The petitioner as such does not and did not have any indefeasible right conferred upon them so far as the supply of ready to eat materials are concerned except a stop gap alternative arrangement made by the authorities. Pending the dispute interse between the State authorities and respondent No.6, this by itself would not make the petitioner a necessary party to the dispute interse between respondent

No.6 & State authorities, moreover the petitioner was not a party before Collector and therefore the petitioner could not have preferred an appeal before the Court of Commissioner, particularly, when no adverse orders have been passed against the petitioner by the Collector. The Collector has only decided the veracity of the order dated 14.12.2018 in the interest of the respondent No.6 Society.

4. In view of the same, this Court is of the opinion that there is no illegality committed on the part of the Commissioner while rejecting the appeal by the petitioner. The writ petition thus fails and accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit