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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 217 of 2020***{Arising out order dated 12.02.2020 passed by the learned Single Judge in
Writ Petition (C) No. 526 of 2020}*

- Maa Sheetla Jyoti Mahila Swa-Sahayata Samuh, Devkar Through- Its President Smt. Sumitra Sahu Wife of Shri Rajendra Sahu, Aged About 39 Years, R/o Village-Devkar, Ward, No. 11, Police Station- Saja, District- Bemetara, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Women And Child Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Collector, District- Bemetara, Chhattisgarh.
3. The District Programme Officer Women And Child Development Department, District- Bemetara, Chhattisgarh.

---- Respondents

For Appellant	: Shri Sanjeev Kumar Sahu, Advocate.
For Respondent/State	: Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****03.03.2020**

1. The Petitioner is stated as aggrieved of the verdict passed by the learned Single Judge on 12.02.2020, whereby the prayer seeking to set aside the impugned order dated 03.12.2019 (Annexure P/1) and to direct the Respondent Authorities to allow the Petitioner to supply 'ready to eat food' as per agreement was turned down.

2. Heard Shri Sanjeev Kumar Sahu, the learned counsel appearing for the Appellant as well as Shri Sudeep Agrawal, the learned Deputy Advocate General for the State.
3. Admittedly, the very same prayer was a subject matter for consideration in the earlier round of litigation by way of WPC No. 4653 of 2019.
4. The sum and substance of the case was that, the Appellant was selected for the supply of 'ready to eat food' to the Aganwadi Centers situated in the Devkar Area, Block Saja, District Bemetara on 06.03.2019, pursuant to which, an agreement was executed on the next day. Later, a show cause notice was issued by the 3rd Respondent on 21.11.2019; in response to which, a reply was submitted by the Appellant in November 2019. It was the case of the Appellant that, without granting an opportunity of hearing, the agreement came to be cancelled on 03.12.2019, which was sought to be challenged by filing the writ petition.
5. When the said writ petition *i.e.* WPC No 4653 of 2019 came up for consideration on 19.12.2019, it was disposed off without prejudice to the right of the Petitioner to move the District Collector and the Collector was directed to consider and decide the appeal at the earliest; preferably within 10 days. The Appellant/Writ Petitioner was also given liberty to move an application for interim relief before the Collector. It is thereafter, that the Appellant has moved this Court again, by filing the present writ petition *i.e.* WPC No. 526 of 2020 with the following prayers:

“10.1 That, this Hon'ble Court may kindly be pleased to call the entire records pertaining to case of petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to set aside the impugned order dated 03.12.2019(Annexure P/1) and further be

pleased to direct the respondent authorities to allow the petitioner to supply ready to eat food as per agreement, in accordance with law.

10.3 To kindly grant any other relief which may be deemed fit in the given facts and circumstances of the instant case.”

6. Taking note of the nature of relief sought for, the learned Single Judge observed on 12.02.2020 that the appeal already preferred by the Appellant before the Collector was listed for hearing on the next day *i.e.* on 13.02.2020, it was also observed that there cannot be any parallel remedy and hence, interference was declined and the writ petition was dismissed.
7. The learned Deputy Advocate General submits that the principles of *res judicata* are applicable, adding that the course pursued by the learned Single Judge is perfectly within the four walls of law. We do not find any tenable ground to call for interference. If the District Collector has not acted in accordance with the direction given by the learned Single Judge, it is always open for the Petitioner/Appellant to move by way of other appropriate remedy in accordance with law. Appeal stands dismissed accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge