

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1582 of 2020**

M/s Seirra Infraventure Pvt. Ltd. Through Authorized Signatory - Shri Ajay Jain, S/o - Late Shri Anoop Chand Jain, Aged About 57 Years, Resident Of 5c Mandira, Merlin Jay Shree Vihar Apartments, 109 Pandari Tarai Raipur, P.S. - Devendra Nagar, Raipur, District- Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Mahanadi Bhawan, New Mantralaya, Atal Nagar, District- Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector Ambikapur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. The Sub Divisional Magistrate Udaipur, District- Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. The Superintendent Of Police Ambikapur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. Station House Officer Udaipur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
6. Manish Singh Residence Of Deveshwar Colony, Agrasen Chowk Ambikapur District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
7. Praveen Kumar Garg Residence Of Bagicha Chowk, Batauli, Ambikapur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
8. Ashish Agrawal Residence Of Bazarpara, Batauli, Ambikapur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
9. Naveen Soni Residence Of Ward No. 26, Sattipara, Brahamroad, Ambikapur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sunil Tripathi with Mr. Apoorva Tripathi, Advocates
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy
Order on Board

20/07/2020

1. The grievance of the petitioner in the present writ petition is primarily the action initiated by the Collector through SDM, Surguja respondents No.2 & 3. Counsel for the petitioner alleged that respondents have not taken sufficient measures ensuring the petitioner to carry on with their business of transportation of coal which otherwise is one which falls under the essential services.
2. The dispute seems to be in respect of certain vehicles which have been arranged by the petitioner in the course of carrying his business. The persons from whom the vehicles have been arranged have now raised some dispute in respect of non fulfillment of terms of agreement, particularly so far as rent to be paid by the petitioner is concerned. The persons who have given their vehicles to the petitioner got together and started agitating before the petitioner and thereby transportation of vehicles was badly hampered resulting in huge loss and also in not achieving the required amount of transportation to be made. Pending the agitation, it appears that respondent No.2 & 3 the Collector and concerned SDM have seized of the matter and have called upon the parties for consideration of the dispute.
3. Grievance of the petitioner seems to be the authority under which respondents No.2 & 3 have called upon the petitioner. It is also the contention of the petitioner that they have in terms of the agreement paid

the entire rent due to the truck owners and as on date they are not liable to pay anything. According to the petitioner the entire dues have been paid to the respective truck owners and there is no amount outstanding. This fact has been brought to the notice of the Collector by way of a detailed reply supported with relevant documents, yet respondent Collector is putting pressure upon the petitioner to further pay the truck owners the rent which has already been paid by them. Contention of the petitioner is also that in case there is any unsettled claim of the respondent truck owners, they ought to have approached the concerned commercial Court or avail the other legal remedy of resolving the dispute by arbitration as aggrieved upon.

4. Considering the nature of dispute involved in the writ petition, this Court *prima facie* is of the opinion that these are all disputed question of facts involved. Moreover, the dispute arises purely out of commercial transactions between two private entities. Broadly the dispute seems to be a monetary claims as claimed by the respective truck owners which according to them have not been settled by the petitioner.
5. These nature of dispute are not one which has to be resolved exercising the Writ jurisdiction of this Court. From the pleadings it appears that considering the law and order situation the Collector and SDM have seized of the matter for redressal of the dispute. The petitioner accepts that he has filed detailed reply to the Collector and has also given details of the payment made to the respective truck owners. Now, it is only a question of verification of the reply and the contentions which the petitioner has submitted to the Collector.
6. Given the facts, let respondent No.2 take into consideration the reply which the petitioner has submitted, get the facts verified from both the parties and thereafter take a decision in accordance with law. In case of any further dispute, it is expected that Collector would apprise the parties to avail the

remedy as provided in the agreement entered into between the parties for resolving the dispute. If required, petitioner so also the private respondents would have the opportunity to personally apprise the Collector in respect of their respective stand based upon the agreement entered into between the parties.

7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit