

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1755 of 2020**

Kopalvani Child Welfare Organization Through Its President Seema Chhabra W/o Ajay Chhabra, Aged About 53 Years, R/o P-403, Pitrachhaya Apartment, Priyadarshni Nagar, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Social Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Under Secretary, Department Of Social Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
3. Collector, Raipur, District Raipur Chhattisgarh
4. Director, Directorate Of Social Welfare, D.K.S. Bhawan, Naya Raipur, District Raipur Chhattisgarh
5. Joint Director, Directorate Of Social Welfare, D.K.S. Bhawan, Naya Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kishore Narayan, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/08/2020**

1. The challenge in the present writ petition is to the show cause notice passed by the respondent No.2. The show cause notice has been issued to the petitioner seeking their explanation as to why their recognition should not be cancelled.
2. Since it is the show cause stage, this Court is reluctant to entertain the writ petition as the law is well settled that the writ jurisdiction is not to be invoked at the show cause notice stage. However, the petitioner has raised a question of jurisdiction of the respondent No.2 in issuing the show cause notice for cancellation of the recognition on the ground that

the State Government has framed certain regulations in this regard known as “the Madhya Pradesh Jila Yojna Samiti Adhiniyam, 1995” in respect of grant of aid to the non-governmental voluntary organizations. According to the petitioner, clause 8 of the said regulation specifically empowers the District Programme Committee to take steps for cancellation of recognition etc. and the show cause notice therefore should have been issued only by the District Programme Committee, not by any other agency.

3. The counsel for the petitioner however in the course of the hearing submits that he has already preferred a detailed reply before the respondent No.2 on 13.07.2020. In view of the fact that the petitioner has already preferred a reply to the show cause notice before the respondent No.2, this Court is of the opinion that it would be more appropriate if the writ petition can be disposed of at this juncture directing the respondent No.2 to consider and decide his reply objectively. The petitioner would also be at liberty to file any supplementary reply that he intends to along with the copy of this order to the respondent No.2 and the respondent No.2 shall also consider the objection in respect of the jurisdiction of the respondent No.2 in the issuance of the show cause notice while deciding the matter on merits.
4. Needless to mention that any decision to be taken by the respondent No.2 shall be promptly communicated to the petitioner.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge