

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2003 of 2020**

1. Om Sai Rice Mill Through Its Proprietor Namely Goldy Jaiswal, S/o Shri Har Prasad Jaiswal, Aged About 32 Years, R/o Village Nawagaon, Ward No. 05, Katghora, District : Korba, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Food, Civil Supply and Consumer Protection, Mahanadi Bhawan, Atal Nagar, Police Station New Raipur, District : Raipur, Chhattisgarh
2. Collector Korba, District : Korba, Chhattisgarh
3. Food Inspector Katghora, District : Korba, Chhattisgarh
4. Tahsildar Katghora, District : Korba, Chhattisgarh

----- Respondents

For Petitioner	:	Mr. Vaibah Goverdhan Advocate
For Respondents	:	Mr. V R Tiwari Addl A G

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.10.2020**

1. The challenge in the present writ petition is to the order passed by the Respondent No. 1 dated 12.05.2017 Annexure P-1, which was passed under the provisions of the Chhattisgarh Rice Procurement (Levy) Order 2007. The said order passed by the respondent no. 1 is on an appeal preferred by the petitioner before the State Government under the provision of Clause 13(2) of the aforesaid order of 2007.
2. At the outset, this Court is of the opinion that the writ petition suffers

from delay and latches for the reasons that admittedly from the pleadings that have been stated in the writ petition, it clearly reflects that the petitioner was well aware of the order passed in the appeal by the State Government. That inspite of the order being passed in appeal, the petitioner thought it fit not to challenge the same in any further proceedings. In the said circumstances, subsequent the issuance of demand notice that too after more than 3 years cannot give rise to a cause to challenge an order passed in the year 2017. Nor can the same be treated as a fresh cause of action for challenging the order passed in appeal and which in due course of time as attained finality. Moreover the appeal was of the petitioners themselves and they were aware of the outcome of the appeal in the year 2017 itself.

3. Accordingly, the writ petition stands rejected on the ground of delay and latches itself. As regards, the calculation which the petitioner is stating in-respect-of the demand made, the petitioner would be at liberty to approach the authorities by moving an appropriate application/reply to the notice clarifying the calculation part, upon which the authorities concerned are expected to take a decision on its own merits.
4. With the aforesaid observation, the present writ petition stands rejected.

**Sd/-
P. Sam Koshy
Judge**