

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1139 of 2021

- Aadim Jati Sewa Sahkari Society Kapu, Through Its Manager Shyam Narayan Dubey, S/o Dal Bhanjan Dubey, Aged About 52 Years R/o Village Kapu Tahsil Daramjaigarh District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Food, Civil Supplies And Consumer Protection Mahanadi Bhawan Mantralaya, New Raipur, Atal Nagar District Raipur Chhattisgarh
2. Managing Director Chhattisgarh State Market Fedretion Maryadit Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
3. Collector Raigarh District Raigarh Chhattisgarh
4. District Marketing Officer Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ashutosh Mishra, Advocate
For Respondent/ State	:	Shri Gagan Tiwari, Dy. G. A.
For Respondent No. 2 & 4	:	Shri Ashish Surana, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.02.2021

Heard

1. Learned counsel for the petitioner submit that the petitioner is a agent who procures the paddy which in turn is handed over to the respondent No. 2 i.e. Managing Director C.G. State Marketing Federation and agreement was executed by respondent No. 4 i.e. District Marketing Officer on behalf of the respondent No. 2. According to Clause 2.7 of the agreement which is filed as Annexure P/2, if the paddy stock exceeds the buffer limit then it is the duty of the State Marketing Federation to lift the same within 72 hours. Learned

counsel submit that in respect of the paddy procurement of Kapu the maximum capacity of the paddy would be 9610 quintals and the paddy has exceeded the buffer limit, therefore respondent No. 2 i.e. Managing Director Chhattisgarh State Market Federation was duty bound to lift the same. Under these circumstances, the petitioner has made a representation vide Annexure P/4 to the respondent No. 4 which may be directed to be decided.

2. Considering the fact that the agreement exists between the parties, the petitioner is given the liberty to file a fresh representation to Respondent No. 2 within a period of 2 weeks from today and if such representation is filed, Respondent No. 2 is directed to decide the said application according to the terms of agreement within a period of 30 days from the date of receipt of copy of this order.
3. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti