

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4955 of 2021**

- Ma Shitla Jyoti Mahila Swa Sahayta Samuh Devkar, Through President Smt. Sumitra Sahu W/o Rajendra Sahu, Aged About 48 Years, R/o Nagar Panchayat Devkar, Ward No. 10, P.S. And Tahsil Saja, District Bemetara, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Women And Child Development, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh.
2. Collector, District Bemetara, Chhattisgarh.
3. District Programme Office, Mahila Evam Bal Vikas Vibhag, District Bemetara, Chhattisgarh.

---- Respondents

For Petitioner	:	Smt. Renu Kochar, Advocate
For State	:	Shri Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.12.2021**

1. The present writ petition has been filed assailing the impugned order Annexure P-1 dated 15.11.2021 whereby the respondents have called for applications from Self Help Groups by way of a press report dated 15.11.2021. The last date of submitting the applications being 30.11.2021 in respect of supply of Ready to Eat food items in Dewkar Sector.
2. The petitioner Self Help Group was granted earlier contract for the

same purpose and for the same sector vide Annexure P-2 dated 06.03.2019. The contract period was initially for 3 years which means the validity of contract period is till 06.03.2022. However, abruptly in between the contract of petitioner has been terminated vide Annexure P-8 dated 26.10.2021. The said order was subjected to challenge in WPC No. 4459/2021. The writ petition was disposed off on 12.11.2021 permitting the petitioner to avail the remedy of appeal before the district Collector within a period of 30 days with a further direction to the district Collector to consider and decide the appeal on its own merits in accordance with law.

3. Learned counsel appearing for petitioner submits that pursuant to the direction given by this Court in WPC No. 4459/2021 they have already preferred an appeal before the district Collector and now the matter is pending before the district Collector for a decision on the said appeal. Counsel for the petitioner submits that the petitioner has also preferred a writ appeal against the order dated 12.11.2021 passed in WPC No. 4459/2021, though there is no mention about that in the writ petition nor is there any document in respect of the same. Meanwhile, the respondents have now issued press report calling for applications from similar self help groups for issuance of an order to supply Ready to Eat food items in the said sector.
4. Counsel for the petitioner submits that the need to file the present writ petition was for the reason that in the event of the press report calling for applications to supply Ready to Eat food items is finalised, the claim of petitioner would get further jeopardized and it would also create further complications inasmuch as there would be yet another third party involvement in the dispute. Therefore, at least pending the

appeal before the district Collector, the press report calling for applications from Self Help Groups for issuance of an order to supply Ready to Eat food items be stayed.

5. During the course of hearing, learned counsel for the petitioner concedes the fact that in the appeal that the petitioner has preferred to the district Collector there is already an application for grant of interim relief which is yet to be considered by the district Collector. It is further contended by the counsel for petitioner that the writ appeal is also yet to come for hearing before the Division Bench of this High Court.
6. Given the fact that the matter is pending consideration before the district Collector so also is being agitated by the petitioner in a writ appeal before this High Court, this Court is of the opinion that the present writ petition in its present form would not be sustainable before this Court for the relief sought for.
7. Once when the petitioner has sought for an interim relief in an appeal pending before the Collector, the petitioner would have to insist and pursue the application for interim relief before the district Collector itself. The petitioner cannot be permitted to pursue the appeal before the district Collector and to claim for consequential relief from this Court. The petitioner also could have claimed for an interim relief in the writ appeal that the petitioner has preferred against the order dated 12.11.2021 passed in WPC No. 4459 of 2021.
8. The writ petition therefore at this juncture stands rejected.
9. However, it is expected that the concerned district Collector before whom the petitioner has already preferred an appeal and which is pending consideration shall take an appropriate decision on the

appeal and the interim application filed therein, at the earliest.

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

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