

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 426 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, Police Station And Tahsil Saja, District Bemetara Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Department of Women And Child Development, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. Collector District Bemetara, Chhattisgarh.
3. District Programme Office Akikrit Bal Vikas Yojna, Saja District Bemetara Chhattisgarh.
4. Gaytri Mahila Swa Sahayata Samuh , Mohtara Bemetara Through President, Sector Bortata, District Bemetara Chhattisgarh.

---- Respondents

(Cause-title taken from Case Information System)

For Appellant : Ms. Renu Kochar, Advocate

For Respondents No. 1 to 3 : Mr. Gagan Tiwari, Deputy Government Advocate

For Respondent No. 4 : Mr. Samir Singh, Advocate

Hon'ble Shri Arup Kumar Goswami, Chief Justice

Hon'ble Shri N.K. Chandravanshi Judge

Judgment on Board

Per Arup Kumar Goswami, Chief Justice

09.12.2021

Heard Ms. Renu Kochar, learned counsel for the appellant. Also heard Mr. Gagan Tiwari, learned Deputy Government Advocate appearing for the respondents No. 1 to 3 and Mr. Samir Singh, learned counsel appearing for the respondent No. 4.

2. This writ appeal is presented against an order dated 12.11.2021 passed by the learned Single Judge in Writ Petition (C) No.4459 of 2021 declining to entertain the writ petition on the ground of availability of alternative remedy before the District Collector. Liberty was granted to file appeal before the District Collector within a period of 30 days along with an application for condonation of delay and the District Collector was directed to hear the appeal in accordance with the guidelines as laid down in circular dated 03.12.2019 and dispose of the same in accordance with law.

3. Ms. Renu Kochar, learned counsel for the appellant submits that the order dated 06.03.2019, by which the appellant was granted work order for supply of ready-to-eat items under Purak Poshan Aahar Yojna, was cancelled by order dated 26.10.2021 (wrongly noted by the learned Single Judge as 11.06.2021) without affording any opportunity of hearing.

4. Mr. Gagan Tiwari, learned State counsel submits that the impugned order would indicate that the notices were issued to the appellant, but despite receipt of such notices, the appellant did not appear. It is further submitted by Mr. Tiwari that the appellant has already availed the remedy by way of filing of an appeal before the Collector and therefore, this writ appeal is mis-conceived.

5. While, Ms. Kochar submits that no notices were received by the appellant, it is not disputed by her that the appellant had filed an appeal in terms of the order of the learned Single Judge.

6. In view of the fact that the appellant has already availed the remedy of appeal in terms of the order of the learned Single Judge, we are not inclined to entertain this appeal as it will be impermissible in law to allow the appellant to approbate and reprobate.

7. Accordingly, the writ appeal is dismissed. No cost.

Sd/-

(Arup Kumar Goswami)
Chief Justice

Sd/-

(N. K. Chandravanshi)
Judge

Anu