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OTHER MATTER

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION (C) No. 2535 /2010

PETITIONER

Prathmik Sahakari Upbhokta Bhandar Maryadit
Kharoud, Through It's President, Shri Gopal
Prasad Aaditya, Village – Kharoud, Tahsil –
Pamgarh, District Janjgir – Champa (C.G.)

P.B. No. 2460/2010
Presented by Shri Anand K. Mishra
dated 24/5/2010

VERSUS

RESPONDENT

1. ✓ **State of Chhattisgarh,**
Through, Secretary Panchayat and rural
Development, D.K. S. Mantrayaly, Raipur (C.G.)
2. ✓ **The Collector, (Revenue)**
District - Janjgir-Champa (C.G.)
3. ✓ **Sub Divisional Officer (Revenue), Pamgarh**
District - Janjgir-Champa (C.G.)
4. ✓ **Chief Executive Officer,**
Janpand Panchayat, Kharoud, Tahsil – Pamgarh,
District - Janjgir-Champa (C.G.)
5. ✓ **Kalindri Mahila Multipurpose Sahakari Sanstha,**
Kharoud, Village – Kharoud, Tahsil – Pamgarh,
District Janjgir-Champa (C.G.)



**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA FOR THE ISSUANCE OF DIRECTION (S) OR ORDER (S).**



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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) 2535/2010

S.B. HON'BLE SHRI PRASHANT KUMAR MISHRA, J

PETITIONER

Prathmik Sahakari
Upbhokta Bhandar
Maryadit

VERSUS

RESPONDENTS

State of Chhattisgarh
and others

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA**

Appearance:

Shri Prakash Tiwari, counsel for the petitioner.

Shri Arun Sao, Government Advocate for the State.

ORAL ORDER
(26.05.2010)

Heard.

2. Learned counsel for the petitioner submits that the allotment and licence of Fair Price Shop with respect to Ward Nos. 8 to 15 has now been made in favour of respondent No.5, whereas, he was operating the shop since 2006 and that before passing the order, no opportunity of hearing was granted to the petitioner.

3. Learned counsel for the State submits that the petitioner has an alternative remedy of filing appeal under Rule 18 of the Chhattisgarh Public Distribution System (Control) Order 2004, therefore, this petition is not maintainable at this stage.



4. Learned counsel for the petitioner vehemently submits that since the order has been passed without giving an opportunity of hearing to him, his petition is maintainable.

5. Be that as it may, since there is an alternative remedy, the petitioner may prefer an appeal before the appellate authority within a period of 30 days from today along with an application for grant of interim relief.

6. Till his prayer for grant of interim relief is considered on its own merits by the appellate authority, status quo with regard to the concerned Fair Price Shop shall be maintained by the parties.

7. In view of the above, I.A.No.3, application for urgent hearing and I.A.No.2, application for hearing the matter during Summer Vacation stand disposed of.

8. The writ petition stands disposed of.

Certified copy as per rules.

Sd/-
Prashant Kumar Mishra
Judge

Sumita