

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1674 of 2020**

1. Ramdas Banjare S/o Shri Chaitram Banjare Aged About 38 Years Occupation Incharge, Paddy Procurement Center Pathargarhi, R/o Village And Post Louda, Police Station And Tahsil Pathariya, District Mungeli, Chhattisgarh Mob.No. 9617918039

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, New Mantralaya Raipur, Police Station Rakhi, District Raipur, Chhattisgarh
2. Collector (Food), Mungeli, District Mungeli, Chhattisgarh
3. Assistant Registrar, Co Operative Societies Mungeli, Police Station, Tahsil And District Mungeli, Chhattisgarh,
4. Chief Executive Officer, Zila Sahkari Kendriya Bank Maryadit Nehru Chowk Bilaspur, Police Station Civil Line, Tahsil And District Bilaspur, Chhattisgarh
5. Branch Manager Zila Sahkari Kendriya Bank Maryadit Pathariya, District Mungeli, Chhattisgarh,

**---- Respondents**


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For Petitioner	:	Mr. Ratnesh Kumar Agrawal, Advocate
For State/Resp. No. 1, 2 & 3	:	Ms. Sunita Jain, G.A.
For Resp. No. 4 & 5	:	Mr. Jitendra Shrivastava, Advocate

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****31/07/2020**

1. The petition is heard on admission.
2. The challenge in the present writ petition is to the order passed by the respondent No.2- the District Collector District Mungeli dated 22.07.2020 whereby the District Collector has instructed the Assistant Registrar Co-operative Society, District Mungeli to proceed against the petitioner in-respect-of the alleged shortage of paddy and to take action in as much as to register an FIR and to immediately intimate the office of the District Collector on the same.
3. It is pertinent to mention at this juncture that the petitioner along with other similarly placed persons had filed a Writ Petition apprehending such action on the part of the respondents. The lead case in bunch of

Writ Petitions i.e. WP(C) No. 1397 of 2020 and the petitioner's writ petition in the said bunch of writ petitions was WP(C) No.1413 of 2020. The bunch of writ petitions was heard and disposed of on 17.07.2020 whereby this Court had directed the respondents to take appropriate action so far as initiating criminal prosecution as also for initiating recovery proceedings to be done only after an enquiry is conducted by the respondents. In the enquiry, if it is found that some individual person was responsible for the shortage or the damage caused and only then appropriate action be initiated only against the erring officials

4. However, before the petitioner or the respondents could obtain the certified copy of the order dated 17.07.2020 and serve it to the respondent No. 2, the impugned order dated 22.07.2020 seems to have been passed by the respondent No. 2 directing the Assistant Registrar Co-operative Society to lodge an FIR and intimate the same to the officer of the Collector.
5. This Court at this juncture is of the opinion that the impugned order Annexure P/1 dated 22.07.2020 seems to have been passed ignorant of the order of this Court dated 17.07.2020 in the bunch of writ petitions decided in WP(C) No. 1397 of 2020 and other connected writ petitions. From the pleadings of the writ petitions itself it is evident that the petitioner had brought the order of this Court dated 17.07.2020 to the notice of the respondent No. 2 only on 23.07.2020 and not before that.
6. Given the aforesaid admitted factual matrix of the case, this Court is of the opinion that it is the order dated 17.07.2020 passed in WP(C) No. 1397 of 2020 and other connected matters holds good, ends of justice would meet, if the effect and operation of the impugned order dated 22.07.2020 (Annexure P/1) is deferred as of now. The respondents are permitted to conduct an enquiry in-terms of directions given by this Court on 17.07.2020 in the bunch of writ petitions and only on the basis

of findings of the enquiry, appropriate action be initiated that too if required in-terms of the findings.

7. Accordingly, the writ petition is disposed of at this juncture. It is ordered that the respondents shall not give effect to the impugned order (Annexure P/1) dated 22.07.2020 till an enquiry is conducted by the respondents in respect of the shortage and damage of paddy and only if in the enquiry, it is found that either the petitioner or any such similar persons are individually responsible for the shortage or damage of the paddy as the case may be.
8. It is made clear that this order would be applicable only in the event if an FIR till date has not been lodged by the respondents i.e. on 31.07.2020. If an FIR already stands lodged, this order would loose its efficacy and the petitioner would have an appropriate remedy for challenging the subsequent development in accordance with law.
9. With the aforesaid observations/directions, the writ petition accordingly stands disposed of.

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Sd/-

**(P. Sam Koshy)**  
**Judge**

Jyotijha