
(2022) 01 CHH CK 0020
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 92 Of 2022

Bholenath Agro Private Limited

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 07-01-2022

Acts Referred:

Citation : (2022) 01 CHH CK 0020

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Fouzia Mirza, Rahim Ubwani, Akanksha Jain, Vinod Deshmukh, RS Patel, Palash Agrawal

Final Decision : Disposed Of

Judgement

1. Aggrieved by the impugned order dated 29.12.2021 (Annexure P/1) issued by the respondents No.5&6, the present writ petition has been filed. The

impugned order is an internal correspondence issued within the Food Corporation of India (in short FCI) whereby the order issued in favour of the

petitioner for supplying the Milled Rice at Saraipali has been ordered to be kept in abeyance.

2. This court in the forenoon session has sought the instructions from the Standing Counsel for FCI as also from the State counsel seeking instructions from the concerned District Collector.

3. The Standing Counsel for the FCI submits that first of all the impugned order Annexure P/1 is an internal correspondence and the necessity for

issuing such an order was a correspondence received from the office of the District Collector, the respondent No.7, whereby there was certain

instructions issued in respect of the law and order situation that could arise upon

the petitioner's vehicle being transported for the purpose of delivering the Milled Rice.

4. Learned counsel for the State on telephonic instructions from the respondent No.7 submits that the necessity for issuance of the order dated

27.12.2021 arose on account of a representation received from the Saraipali Rice Mill Association who have made a representation on 27.12.2021

itself highlighting certain space constraints in the course of delivery of the Milled Rice at Saraipali. Therefore, they had requested for deferring the

delivery of the Milled Rice of the petitioner at Saraipali. Learned State counsel on instructions further submits that as of now the respondents State

would ensure that whatever Milled Rice that has been transported by the petitioner to Saraipali will be ensured of its delivery. However, in the course

of time there can be a possibility of certain space constraints at Saraipali Centre where Milled Rice have to be delivered and the State authorities may

have to issue an appropriate instructions to respondents No.5&6 in regard.

5. Given the said submissions by the State counsel, it clearly reflects that, as of now whatever transport of Milled Rice that has been made by the

petitioner so far as the delivery at Saraipali is concerned, that would not be held back from being delivered at Saraipali. That, as regards whatever

administrative decisions that the respondent No.7 have to pass, later on that is not going to adversely affect the petitioner in making the supply at

Saraipali at present. As and when an appropriate decision is taken, the petitioner would be at liberty to take appropriate administrative and legal

recourse available to them.

6. Given the said facts and circumstances, the writ petition as of now stands disposed of directing the respondent authorities to ensure that as of now

the correspondence made on 27.12.2021 by the District Collector so also the order Annexure P/1, dated 29.12.2021 which is an internal

correspondence of respondents No.5&6, should not be acted upon.

7. The writ petition accordingly stands disposed of.