

**(2024) 07 OHC CK 0073**

**In the Orissa High Court**

**Case No : Writ Petition (C) No. 22897 Of 2023**

M/s. Bhagawati Rice Mill

APPELLANT

Vs

Collector & District Magistrate, Balangir & Others

RESPONDENT

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**Date of Decision : 18-07-2024**

**Acts Referred:**

**Citation : (2024) 07 OHC CK 0073**

**Hon'ble Judges : S.K. Mishra, J**

**Bench : Single Bench**

**Advocate : M.N. Das, T.K. Biswal, B.K. Sharma**

**Final Decision : Disposed Of**

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## **Judgement**

S.K. Mishra, J.

1. The Petitioner, who entered into an agreement with the Opposite Party No.3 (CSO-cum-District Manager, Odisha Civil Supplies Corporation Ltd.) to provide with Custom Mill Rice (CMR) every year during the Kharif Marketing Season (KMS), has preferred the present Writ Petition with the following prayers:-

"Prayer

It is therefore most humbly prayed that the Hon'ble Court may graciously be pleased to admit the writ petition and after being heard from both the parties and to issue writ in the shape of mandamus to the Opp. parties and more specifically opp. party No.1 to take diligent steps in the matter and ensure the Opp. no.3 to provide required amount of gunny bags to the petitioner to which the Petitioner is entitled for the delivery of the CMR.

AND, may direct the Opp no 1 & 2 to conduct an Audit in relation to the accounts of the petitioner with respect to the gunny bags supplied and received from the petitioner giving due opportunity to the petitioner to present his case.

And/or may pass such order/orders, direction/directions as this Hon'ble Court

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may deem fit and proper to safeguard the interest of the petitioner and in the interest of justice.”

(Emphasis supplied)

2. Opposing to the prayer made in the Writ Petition, a Counter has been filed by the Opposite Parties-Corporation, to which the Petitioner has also filed a Rejoinder Affidavit.

3. Heard Mr. M.N. Das, learned Counsel for the Petitioner so also Mr. T.K. Biswal, learned Additional Government Advocate for the State-Opposite Party No.1 and Mr. B.K. Sharma, learned Counsel for the Opposite Party Nos.2 & 3-Corporation.

4. During hearing, Mr. Sharma, learned Counsel for the Corporation submits, since the issue is pertaining to supply of gunny bags, which is disputed by the Corporation, the writ court cannot and should not enter into disputed questions of fact and the authority concerned, is to take a decision with regard to the grievance of the Petitioner.

5. Learned Counsel for the Petitioner, drawing attention of this Court to letter/communication dated 11.11.2022 addressed to the Collector-cum-District Magistrate, Bolangir (Opposite Party No.1) submits, because of inaction of the Opposite Party No.1 to deal with the said communication and do the needful in time, his client was constrained to approach this Court seeking for a direction to the Opposite Party No.1 to take necessary steps in the said regard and ensure through the Opposite Party No.3 (CSO-cum-District Manager, Odisha State Civil Supplies Corporation Ltd.) for providing required amount of gunny bags to the Petitioner and if a direction is given to the Opposite Party No.1 to deal with and dispose of the grievance petition dated 11.11.2022 within a stipulated time period, giving opportunity of personal hearing to the Petitioner, the same will subserve the purpose of approaching this Court.

6. In view of the submissions made by the learned Counsel for the parties, the Writ Petition stands disposed of at the stage of admission directing the Collector-cum-District Magistrate, Bolangir (Opposite Party No.1) to deal with and dispose of the letter/communication dated 11.11.2022 of the Petitioner, which is allegedly pending for consideration.

7. It is made clear that the Petitioner shall supply photocopy of the Writ Petition with annexures so also Rejoinder Affidavit filed before this Court to the Opposite Party No.1 along with the certified copy of this order.

8. On being so supplied, the Collector-cum-District Magistrate, Bolangir (Opposite Party No.1) shall do well to deal with the communication/representation dated 11.11.2022 of the Petitioner and dispose of the same by passing a reasoned order after giving reasonable opportunity of hearing to the Petitioner to have his further say in the said regard in addition to the written communication dated 11.11.2022 and to produce necessary documents, if any, before the Opposite Party No.1 to substantiate his case.

9. The entire exercise has to be completed within a period of six weeks from the date of production of the certified copy of this order.

10. Urgent certified copy of this order be granted on proper application as per rules.

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