

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 24th OF APRIL, 2024

WRIT PETITION No. 9215 of 2024

BETWEEN:-

**SMT. ARCHANA JAIN W/O SUNIL KUMAR JAIN,
AGED ABOUT 60 YEARS, OCCUPATION:
BUSINESS SIDHARTH WARE HOUSE DARSHNI
MAJHOLI SIHORA DISTRICT JABALPUR PARAS
RESIDENCY KHITOLA ROAD SIHORA DISTRICT
JABALPUR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI NITESH KUMAR JAIN - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH PRINCIPAL SECRETARY
DEPARTMENT OF FOOD CIVIL SUPPLIES
AND CONSUMER PROTECTION VALLABH
BHAWAN BHOPAL (MADHYA PRADESH)**
- 2. MADHYA PRADESH WAREHOUSING AND
LOGISTIC CORPORATION THROUGH ITS
MANAGING DIRECTOR OFFICE COMPLEX
BLOCK A GAUTAM NAGAR BHOPAL
(MADHYA PRADESH)**
- 3. ASSISTANT GENERAL MANAGER FOOD
CORPORATION OF INDIA REGIONAL
OFFICE CHETAK BHAWAN, M.P. NAGAR
BHOPAL (MADHYA PRADESH)**
- 4. REGIONAL MANAGER MADHYA PRADESH
WAREHOUSING AND LOGISTIC
CORPORATION NEAR KRISHI UPAJ MANDI
JABALPUR (MADHYA PRADESH)**
- 5. BRANCH MANAGER OF M.P.W.L.C SIHORA
SIHORA DISTRICT JABALPUR (MADHYA**

PRADESH)

**6. COLLECTOR / DISTRICT MAGISTRATE
JABALPUR JABALPUR DISTRICT
JABALPUR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI SWAPNIL GANGULY – DY. ADVOCATE GENERAL)

This petition coming on for admission this day, the court passed the following:

ORDER

1. This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs :-
 - (i) Issue a writ in the nature of certiorari and quash the order, dated 31.1.2024 (Annexure-P/4) and order dated 13.2.2024 (Annexure-P/6) passed by the respondent no. 4.
 - (ii) A writ order or direction in the nature of mandamus directing the respondents to allow petitioner warehouse to store the food grains in year for Rabi Marketing Season 2024-2025.
 - (iii) Any other order or orders that this Hon'ble Court deems fit and proper in the facts and circumstances of the case may also kindly be passed.
2. Against the order of black listing, the petitioner had already preferred an appeal which is pending before Managing Director, M.P. Warehousing and Logistic Corporation, Bhopal. It is submitted by counsel for the petitioner that although the appeal was filed on 13.2.2024 but no decision has been taken so far.
3. Per contra, it is submitted by counsel for the State that Senior officials are required to discharge more responsibility during on-going election process and on certain occasions, even they are sent as observer to different States, therefore, appeal could not be decided. The appellate authority has to give top most priority to election duty.

4. Considered the submissions made by counsel for the parties.
5. Election process for the Lok Sabha is going on and every senior officer must have been assigned election duties and they cannot be compelled to ignore their election duties for deciding the appeal filed by the petitioner. Merely because the petitioner is likely to suffer some financial loss cannot be taken into consideration for bypassing statutory and constitutional duties to conduct fair election.
6. Under these circumstances, this Court is of the considered opinion that sufficient time must be given to the appellate authority to decide the appeal.
7. Accordingly, this petition is **disposed of** with a direction to Managing Director, M.P. Warehousing and Logistic Corporation, Bhopal to decide the appeal latest by **31st of July, 2024**.
8. It is made clear that appellate authority shall decide the appeal strictly in accordance with law without getting influenced or prejudiced by the direction given by this Court.

(G.S. AHLUWALIA)
JUDGE