



CGHC010320502021



2026:CGHC:44643

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4916 of 2021

Smt. Basmatiya Gond W/o Shri Bahadoor Gond, Aged About 50 Years
President Of Mohari Women Self Help Group Pachawal/ Operator Of
Govt. Fair Price Shop Village Pachawal Block And Tahsil Ramanujganj
District Balrampur Ramanujganj Chhattisgarh

... **Petitioner**

versus

- 1 - State Of Chhattisgarh Through The Secretary, Department Of Food
And Civil Supply Mahanadi Bhawan New Raipur District Raipur
Chhattisgarh
- 2 - The Collector (Food Department), Balrampur District Balrampur
Ramanujganj Chhattisgarh
- 3 - The Sub Divisional Officer (Revenue) Ramanujganj District
Balrampur Ramanujganj Chhattisgarh
- 4 - The Food Inspector Ramanujganj District Balrampur Ramanujganj
Chhattisgarh

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	: Mr. A.N. Pandey, Advocate
For State/Respondents	: Mr. Priyank Rathi, Government Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

15.10.2026

- 1. By filing the present petition, the petitioner challenges the order
dated 17.02.2021 passed by the Collector, Balrampur-
Ramanujganj (C.G.), in Panchayat Appeal No. 20/B-121/2019-

2020, whereby the appeal preferred by the petitioner against the cancellation of the fair price shop allotted to Mohari Women Self Help Group, Pachawal, was dismissed. The petitioner has prayed for following relief(s) :-

“10.1 That, this Hon'ble court may kindly be pleased to set aside of impugned order dated 17.2.2021 passed by the respondent no.2 in Panchayat appeal no. 20/B-121/2019-2020 ANNEXURE P/1 and allow the petitioner to continue for running of fair price shop of price shop of village -Pachawal,Block Ramanujganj Distt-Balrampur- Ramanujganj (C.G).

10.2 Any other relief or reliefs may also be granted to the petitioner which this Hon'ble court deems fit and proper in the facts and circumstances of the case.”

2. The brief facts of the case are that the fair price shop of Village Pachawal, Block Ramanujganj, District Balrampur-Ramanujganj (C.G.), was allotted to the petitioner group vide order dated 29.06.2015. The petitioner submits that the group was regularly operating the shop in accordance with the prescribed terms and conditions. However, following certain allegations of irregularities, the Sub-Divisional Officer (Revenue) suspended the shop on 07.05.2020 and issued a show-cause notice dated 09.05.2020. The petitioner submitted her reply on 15.05.2020, denying the allegations. Nevertheless, the shop was cancelled vide order dated 21.05.2020, and a fresh advertisement was issued for its

allotment. The appeal preferred by the petitioner against the cancellation was dismissed by the Collector vide order dated 17.02.2021, leading to the filing of the present petition.

3. Learned counsel for the petitioner submits that the fair price shop of Village Pachawal, Block Ramanujganj, District Balrampur-Ramanujganj (C.G.), was allotted to the petitioner group, namely, Mohari Women Self Help Group, vide order dated 29.06.2015, and the group was regularly operating the shop in accordance with the prescribed terms and conditions. It is contended that, although the petitioner was issued a show-cause notice dated 09.05.2020 alleging certain irregularities, the petitioner submitted a reply on 15.05.2020 denying the allegations; however, without conducting any proper enquiry or affording an effective opportunity of hearing, the respondent authority cancelled the allotment vide order dated 21.05.2020 and issued a fresh advertisement for allotment of the shop. Learned counsel further submits that the appellate authority, while passing the impugned order dated 17.02.2021, failed to consider the grounds raised in the appeal and the documents available on record and mechanically affirmed the cancellation order. It is, therefore, contended that the impugned orders are arbitrary, contrary to the principles of natural justice and liable to be set aside. Learned counsel also places reliance upon the decision of this Court in ***Smt. Mamta Devi v. State of Chhattisgarh and Others, decided on 20.01.2021 in W.P.(C) No. 1903 of 2020***, in support of the petitioner's case.

4. Per contra, learned State counsel opposes the submissions made by learned counsel for the petitioner and submits that the present petition is liable to be dismissed for non-joinder of a necessary party. Referring to the return filed on behalf of the State, he submits that, subsequent to the cancellation of the fair price shop allotted to the petitioner group, the said shop has been allotted to Amrit Mahila Swayam Sahayata Samuh vide order dated 22.04.2022. However, the petitioner has not impleaded the said group as a party to the present proceedings, despite the fact that the relief sought by the petitioner, namely, setting aside the cancellation order and restoration of the fair price shop, would directly affect the rights and interests of the subsequently allotted group. Learned State counsel further submits that the petitioner cannot seek restoration of the allotment without impleading the group presently operating the fair price shop and affording it an opportunity of hearing. Accordingly, it is contended that the petition deserves to be dismissed for non-joinder of a necessary party.
5. I have heard learned counsel for the parties and perused the documents available on record.
6. From perusal of the record, it appears that the fair price shop situated at Village Pachawal, Block Ramanujganj, District Balrampur-Ramanujganj (C.G.), was allotted to the petitioner, namely, Mohari Women Self Help Group, vide order dated 29.06.2015. However, on the basis of complaints regarding

alleged irregularities in the distribution of essential commodities and the management of the fair price shop, the Sub-Divisional Officer (Revenue), Ramanujganj, suspended the operation of the fair price shop on 07.05.2020. Thereafter, a show-cause notice was issued to the petitioner group, calling upon it to submit its explanation with respect to the alleged violations of Rules 9(16), 11(2), 11(15) and 11(16) of the Chhattisgarh Public Distribution System (Control) Order, 2016. The petitioner submitted its reply on 15.05.2020. Upon consideration of the explanation furnished by the petitioner and the material available on record, the Sub-Divisional Officer (Revenue) proceeded to cancel the allotment of the fair price shop vide order dated 21.05.2020. The said order was subsequently assailed by the petitioner before the appellate authority, namely, the Collector, Balrampur-Ramanujganj, in Panchayat Appeal No. 20/B-121/2019-2020. However, the appeal was dismissed vide order dated 17.02.2021. Aggrieved thereby, the petitioner has instituted the present writ petition seeking, inter alia, setting aside of the appellate order and restoration of the allotment of the fair price shop in its favour.

7. From further perusal of the return filed on behalf of the State, it appears that the cancellation of the petitioner's allotment was preceded by complaints made by the villagers of Village Pachawal regarding the non-supply of ration and alleged mismanagement of the affairs of the fair price shop. The return specifically refers to a communication addressed by the Sarpanch of the village to the

Sub-Divisional Officer (Revenue), pursuant to which the Naib Tahsildar, Ramanujganj, was directed to conduct an enquiry into the functioning of the fair price shop. In pursuance thereof, the Naib Tahsildar conducted an enquiry, prepared a Panchnama, recorded the statements of the villagers and submitted a report dated 07.05.2020 recommending appropriate action in accordance with law. The State has further stated that, on the basis of the aforesaid report and the alleged violations of the applicable provisions of the Control Order, the operation of the fair price shop was initially suspended and a show-cause notice was issued to the petitioner group. The petitioner submitted its reply on 15.05.2020; however, the explanation was found unsatisfactory by the competent authority, resulting in the cancellation of the allotment vide order dated 21.05.2020. The State has also placed reliance upon the relevant documents, including the complaint made by the Sarpanch, the enquiry report submitted by the Naib Tahsildar, the cancellation order and the official notings relating to the proceedings initiated by the Sub-Divisional Officer (Revenue).

8. It is further evident that following the cancellation of the allotment in favour of the petitioner group, a fresh advertisement dated 22.05.2020 was issued inviting applications from eligible Women Self Help Groups for operating the fair price shop at Village Pachawal, Block and Tahsil Ramanujganj, District Balrampur-Ramanujganj (C.G.). In response to the said advertisement, seven applications were received, and the process for selection of an

eligible group was undertaken by the competent authority. The State has specifically pleaded that, during the pendency of the present writ petition, the aforesaid fair price shop was allotted to Amrit Mahila Swayam Sahayata Samuh vide order dated 22.04.2022. A copy of the said allotment order has been placed on record as Annexure R/1. Thus, the position emerging from the pleadings of the parties is that the allotment originally made in favour of the petitioner group has been cancelled, the petitioner's appeal against such cancellation has been dismissed by the Collector, and the fair price shop in question has subsequently been allotted to another Women Self Help Group.

9. At this juncture, it is pertinent to note that the order passed by the appellate authority, which is the subject matter of challenge in the present writ petition, is dated 17.02.2021. The petitioner has approached this Court seeking to set aside the said order and to obtain restoration of the allotment of the fair price shop in its favour. However, the subsequent allotment of the same fair price shop in favour of Amrit Mahila Swayam Sahayata Samuh vide order dated 22.04.2022 constitutes a material development having a direct bearing upon the nature and extent of the relief that may be granted in the present proceedings. The State has specifically brought this subsequent development to the notice of this Court and has contended that, in the absence of the subsequently selected group as a party to the proceedings, the relief sought by the petitioner cannot effectively be adjudicated or granted. The

aforesaid objection, therefore, requires consideration in the context of the reliefs claimed in the writ petition and the subsequent events that have taken place during its pendency.

10. It is well settled that the jurisdiction of this Court under Article 226 of the Constitution of India is exercised to adjudicate the legality of the action impugned before it and to grant appropriate relief in accordance with law. However, the relief to be granted must necessarily take into consideration the existing factual and legal position, including subsequent events that have a direct bearing upon the controversy. Where the relief sought by a petitioner is not confined merely to the setting aside of an adverse order but also extends to the restoration of a right, benefit or allotment that has subsequently been conferred upon another person or entity, the Court cannot disregard the legal and factual consequences of such subsequent allotment. The adjudication must, therefore, take into account the interests of the person or entity in whose favour the subsequent order has been passed, particularly where the relief sought by the petitioner may directly prejudice or adversely affect such interests. In the present case, the petitioner has sought not only to set aside the order dated 17.02.2021 passed by the Collector, Balrampur-Ramanujganj, dismissing the appeal, but has also prayed that it be permitted to continue operating the fair price shop situated at Village Pachawal. The grant of such relief, in the circumstances of the present case, cannot be considered in isolation from the subsequent allotment made in favour of Amrit

Mahila Swayam Sahayata Samuh vide order dated 22.04.2022.

The said allotment order was passed during the pendency of the present writ petition and has not been independently challenged by the petitioner. Consequently, the validity of the subsequent allotment, as well as the rights and interests arising therefrom, do not constitute a matter directly placed in issue for adjudication in the present proceedings.

- 11.** This Court further finds that the petitioner has neither challenged the subsequent allotment order dated 22.04.2022 passed in favour of Amrit Mahila Swayam Sahayata Samuh nor impleaded the said group as a respondent in the present writ petition. The said group is not a stranger to the controversy, inasmuch as the fair price shop in question has subsequently been allotted to it and the relief claimed by the petitioner, if granted, would have a direct bearing upon its rights and interests. An order restoring the allotment in favour of the petitioner, without examining the subsequent allotment and without affording the beneficiary group an opportunity of hearing, may directly prejudice the interests of the said group. In these circumstances, Amrit Mahila Swayam Sahayata Samuh is a necessary party for the effective and complete adjudication of the reliefs claimed by the petitioner.
- 12.** The objection raised by the State regarding non-joinder of a necessary party, therefore, cannot be brushed aside as a mere technical objection. The requirement of impleading a necessary

party assumes particular significance where the relief sought is likely to affect the rights or interests of a person or entity in whose favour a subsequent order has been passed by the competent authority. The principles of natural justice require that no adverse determination affecting the rights of such a person or entity should ordinarily be made without affording it an opportunity of hearing. In the present case, any direction for restoration of the fair price shop in favour of the petitioner would necessarily have implications for the subsequent allotment made in favour of Amrit Mahila Swayam Sahayata Samuh. In the absence of the said group, this Court would not have the benefit of its response to the petitioner's claims or the relevant circumstances surrounding the subsequent allotment.

- 13.** It is also significant that the petitioner has not sought any amendment to the writ petition to bring the subsequent allotment order dated 22.04.2022 under challenge, nor has the petitioner taken steps to implead Amrit Mahila Swayam Sahayata Samuh as a party to the proceedings till today. The right accrued in favour of any party way back cannot be taken back in this belated stage. The reliefs as originally framed, therefore, do not encompass a challenge to the subsequent allotment order, notwithstanding that the said order has a direct bearing upon the prayer for restoration of the fair price shop. In the absence of a challenge to the subsequent allotment order, this Court cannot, in the present proceedings, proceed on the assumption that the said allotment is

liable to be set aside or that the rights flowing therefrom may be disregarded. Equally, in the absence of the beneficiary group, no effective adjudication can be undertaken on the question of restoration of the fair price shop in favour of the petitioner without risking prejudice to the interests of an entity that has not been afforded an opportunity of hearing.

14. Another relevant circumstance is that the cancellation order was passed on 21.05.2020 and the appellate authority dismissed the petitioner's appeal on 17.02.2021. The present writ petition seeks to assail the appellate order and obtain restoration of the allotment. However, the subsequent allotment in favour of Amrit Mahila Swayam Sahayata Samuh was made on 22.04.2022, and no interim order staying the operation or implementation of the impugned cancellation or appellate order has been brought to the notice of this Court. In the absence of any such interim protection, the subsequent steps taken by the competent authority culminated in the allotment of the fair price shop to another group. The subsequent allotment is, therefore, an existing factual circumstance that cannot be ignored while considering whether the relief sought in the present writ petition can appropriately be granted in its present form.
15. It is clarified that the mere passage of time or the subsequent allotment of a fair price shop to another agency would not, by itself, necessarily render a challenge to an earlier cancellation

order infructuous. Nevertheless, in the present case, the question is not merely whether the petitioner can challenge the cancellation order after the passage of time. The difficulty arises because the petitioner seeks restoration of the very same fair price shop that has subsequently been allotted to another group, without challenging the order of subsequent allotment and without impleading the group in whose favour that allotment has been made. These omissions go to the maintainability and effective adjudication of the relief as framed. The Court cannot grant a direction for restoration of the fair price shop without considering the subsequent allotment, nor can it adjudicate upon the rights arising from that allotment in the absence of the beneficiary group.

- 16.** In view of the aforesaid circumstances, this Court is of the considered opinion that the present writ petition, in the form in which it has been filed and the reliefs as presently framed, does not permit an effective and complete adjudication of the controversy. The petitioner has not challenged the subsequent allotment order dated 22.04.2022 passed in favour of Amrit Mahila Swayam Sahayata Samuh, although the petitioner seeks restoration of the same fair price shop.
- 17.** Further, the said group, whose rights and interests would be directly affected by the grant of the relief sought, has not been impleaded as a respondent. In the absence of the necessary party and a challenge to the subsequent allotment order, this Court

would not be justified in issuing a direction restoring the fair price shop in favour of the petitioner, as such a direction may adversely affect the rights and interests of the subsequent allottee without affording it an opportunity of hearing.

- 18.** Accordingly, without expressing any conclusive opinion on the merits of the allegations of irregularities levelled against the petitioner group or on the legality of the impugned orders dated 21.05.2020 and 17.02.2021, this Court is of the view that the reliefs claimed in the present writ petition cannot be granted in the absence of the necessary party and without a challenge to the subsequent allotment order dated 22.04.2022. The writ petition, as framed and filed, is, therefore, not maintainable for the purpose of granting the relief of restoration of the fair price shop as sought by the petitioner.
- 19.** Consequently, the writ petition is dismissed on the aforesaid grounds. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge