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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 667 of 2016

Shakti Mahila Swa Sahayata Samooh Ghiwari, Registration No. 27563 Through Its President Smt. Durga Bai Rajput Aged About 40 Years W/o Shri Bharat Rajput, R/o Village Ghiwari, Post Karesara, Police Station Bemetara, Tahsil Thankhamariya, District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Food & Consumer Affairs Mantralaya, Naya Raipur District Raipur Chhattisgarh
2. The Collector, Bemetara, District Bemetara Chhattisgarh
3. The Sub Divisional Officer, (Revenue), Saja District Bemetara Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Saja, District Bemetara Chhattisgarh
5. Aajeevan Hariom Mahila Swa Sahayata Samooh, Ghiwari, Through Its President Smt. Mohinibai, W/o Shri Bundel Singh @ Lal Singh Village Ghiwari, Post Karesara, P.S. Bemetara District Bemetara Chhattisgarh

---- Respondents

For Petitioner : Shri J.N. Nande, Advocate

For respondent/State : Shri Ramakant Mishra, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2016

Heard on admission.

1. This petition has been filed by the petitioner aggrieved by allotment of fair price shop to respondent No.5.

2. Learned counsel for the petitioner submits that even though the petitioner was more suitable group, with higher financial status, respondent No.5 has been preferred by the SDO ignoring recommendation for allotment made in favour of petitioner by the Food Inspector.
3. From perusal of note sheet (Annexure P-7), it is found that the SDO has preferred respondent No.5 taking into consideration number of factors including financial status and other aspects. Though learned counsel for the petitioner submits that the order is malafide, I do not find that there is any material to show that the SDO had any personal malice against the petitioner. The jurisdiction of the SDO is not under challenge. It is also not a case where principle of natural justice would be applicable. It is also not a case of cancellation without affording any opportunity of hearing. Upon considering various applications, one of the groups has been preferred for certain reasons.
4. Therefore, in view of the above, I do not find any ground of interference under Article 226 of the Constitution. The petitioner has an alternative remedy of preferring an appeal under Clause 18 (2) of Chhattisgarh Public Distribution System (Control) Order 2004. With liberty to prefer appeal, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge