

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (CR) No.141 of 2016**

1. Smt. Fulmaniya, W/o Rajesh, aged about 30 years, President Saheli Mahila Swa Sahayata Samuh Aara, resident of Village – Aara, Post – Aara, Balrampur, Tahsil – Rajpur, District Balrampur-Ramanujganj (C.G.)
2. Ekbal, S/o Israil, aged about 37 years, Assistant Sales Man, resident of Village – Aara, Post – Aara, Balrampur, Tahsil – Rajpur, District Balrampur-Ramanujganj (C.G.)

---- Petitioners.**Versus**

1. State of Chhattisgarh, through the Secretary, Ministry of Home Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Director General of Police, Chhattisgarh, Police Headquarters, Raipur (Chhattisgarh)
3. The Superintendent of Police Balrampur, District Balrampur-Ramanujganj (C.G.)
4. Sub-Divisional Officer (Revenue), Rajpur, District – Balrampur-Ramanujganj (C.G.)
5. The Station House Officer, Police Station, Rajpur, District – Balrampur-Ramanujganj (C.G.)
6. Police Out-Post Incharge Bariyon, P.S. Rajpur, District – Balrampur-Ramanujganj (C.G.)
7. Smt. Basanti, W/o Ranjit Singh, aged about 42 years, Sarpanch, Resident of Village – Aara, Post – Aara, Balrampur, Tahsil Rajpur, District Balrampur (C.G.)
8. Ranjit Singh, aged about 44 years, Resident of Village – Aara, Post-Aara, Balrampur, Tahsil – Rajpur, District Balrampur (C.G.)
9. Isteyak Ansari, aged about 28 years, Resident of Village – Aara, Post-Aara, Balrampur, Tahsil – Rajpur, District Balrampur (C.G.)
10. Food Inspector, Rajpur, P.S. & Tahsil-Rajpur, District Balrampur (C.G.)

---- Respondents

For Petitioners	:	Shri V.K.Pandey, Advocate.
For Respondents/State	:	Shri U.N.S.Deo, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board**27/06/2016**

1. Petitioner No.1 is President of Saheli Mahila Swa Sahataya Samuh, Aara, whereas petitioner No.2 is the Assistant Salesman and they were allotted Govt. Fair Price Shop of Gram Panchayat Aara, Janapad Panchayat Rajpur, District Balrampur-Ramanujganj. On allegation that respondents No.7 to 9 have forcibly taken away the food-grains and other articles of the Fair Price Shop, they have made complaints to the authorities, on which, an enquiry was conducted wherein respondents No.7 to 9 were prima facie found to be guilty of committing offence under Section 3/7 of the Essential Commodities Act, 1955 (for short 'E.C.Act'). Thereafter, the petitioners have moved an application before the concerned Collector, for lodging the F.I.R. against respondents No. 7 to 9, however, since after 30.11.2015 the matter has not been properly attended to by the concerned Collector and no action has been taken.

2. Under clause 16 (5) of the Chhattisgarh Public Distribution System (Control) Order, 2004 (for brevity 'Control Order 2004'), if any person, society or group contravenes any provisions of this Order, he shall be liable to punishment under section 7 of the E.C. Act. It further provides that in case of cooperative societies, Gram Panchayat or other institution the prosecution may be started on the approval of Collector but in such cases the action shall not be restricted to salesman of Fair Price Shop only and it can be extended to President and executive officers of society and other institutions and Sarpanch, Secretary of Gram Panchayat. Since respondent No.7 is Sarpancha of Gram Panchayat – Aara and respondent No.8 is the husband of Sarpanch whereas respondent No.9 is the Up-Sarpanch, the F.I.R. can only be registered on approval by the Collector.

3. For the foregoing, particularly, in view of clause 16 (5) of the Control Order 2004, this Writ petition is disposed of with a direction that the concerned Collector shall examine the matter and if any person including respondents No. 7 to 9 are

found to be involved in committing violation of the Control Order 2004, he may initiate proper proceedings including proceedings for lodging F.I.R. against wrong doers. Let the entire proceedings be completed within a period of 3 months from the date of submission of certified copy of this Order.

Sd/-
Judge
(**Prashant Kumar Mishra**)