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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 536 of 2015**

- Lawatara Ameen Mata Yamuna Mahila Swa-Sahayata Samuh Through Its President Smt. Yamuna W/o Ekesh, Aged about 30 Years, R/o Village Lawatara, Post Lawatara, Tahsil And Police Station Berla District Bemetara Chhattisgarh

---- **Petitioner****Versus**

1. The State Of Chhattisgarh Through The Secretary Food And Civil Supplies Department Mahanadi Bhawan, Mantralaya New Raipur Chhattisgarh
2. The Collector (Food) Bemetara, district Bemetara Chhattisgarh
3. The Sub Divisional Officer Saja, District Bemetara Chhattisgarh
4. Ambe Gouri Mahila Swa - Sahayata Samuh, Lawatara, Through Its President, Village Lawatara, Tahsil And Police Station Berla, District Bemetara Chhattisgarh

---- **Respondent**

For Petitioner : Miss Sharmila Singhai, Advocate.
 For Respondent/State : Shri P.K. Bhaduri, Govt. Advocate.
 For Respondent No.4 : Shri Akhilesh Kumar, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****05/10/2016**

1. The petitioner is aggrieved by the order passed by the Sub Divisional Officer (Revenue) Saja, District Bemetara, the allotment authority under the CGPDS Control Order, 2004 (for short 'the Control Order, 2004').
2. The dispute pertains to allotment of fair price shop of Gram Panchayat Lawatara, Block Berla. On the one hand the petitioner is

claiming to be more suitable than respondent No.4 for obtaining the said allotment, however, respondent No.4 has been found by the SDO(R) to be a better candidate for such allotment.

3. In view of the conflicting claims and there being a report in favour of the petitioner, the finding recorded by the SDO(R) in favour of respondent No.4, as also for the fact that this Court has limited jurisdiction to proceed for a comparative evaluation of merits or demerits of the petitioner and respondent No.4, it is deemed appropriate that the petitioner is permitted to prefer an appeal before the State Government under Clause-18 (2) of the Control Order, 2004.
4. Accordingly, the Writ Petition is disposed of with a direction that in the event the petitioner prefers an appeal before the State Government under Clause 18(2) of the Control Order, 2004, within a period of one month from today, the State Government shall consider and decide the petitioner's appeal at the earliest, preferably within a period of 3 months thereafter by a reasoned order and after giving opportunity of hearing to both the parties.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve