

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2618 of 2016

- Janani Mahila Swa Sahayta Samooh Ulkhar Through Its President Smt. Ranjita Chandra, W/o Shri Ramnath Chandra, Aged About 40 Years, R/o Village Ulkhar, Thana & Tahsil- Sarangarh, Civil & Revenue District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Food, Civil Supply And Consumer Protection, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Distt. Raipur, (Chhattisgarh)
2. Collector, Raigarh, District Raigarh, (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Sarangarh, Distt. Raigarh, (Chhattisgarh)
4. Sunder Lal Chandra, S/o Shri Seetaram Chandra, Aged About 46 Years Occupation Agriculturist, R/o Village Ulkhar, Thana & Tahsil Sarangarh, Civil & Revenue District Raigarh, (Chhattisgarh)
5. Banshilal Chandra, S/o Late Shri Ghanshyam Chandra, Aged About 55 Years, Occupation Agriculturist, R/o Village Ulkhar, Thana & Tahsil Sarangarh, Civil & Revenue District Raigarh, (Chhattisgarh)
6. Gorelal Chandra, S/o Shri Geeta Prasad Chandra, Aged About 48 Years, Occupation Agriculturist, R/o Village Ulkhar, Thana & Tahsil Sarangarh, Civil & Revenue District Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	Shri Sunil Sahu, Advocate
For Respondent-State	Shri Arun Sao, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2016

1. The petitioner is the allottee of the fair price shop of Village Ulkhar, Tahsil Sarangarh, District Raigarh. On receiving complaint from the Cardholders on 02.05.2015, an enquiry was made by the Food Inspector, Sarangarh, who submitted a report on 08.06.2015, wherein the petitioner was found to be complicit in committing various irregularities in running the fair price shop. A show cause notice was issued to the petitioner on 11.06.2015 and thereafter the operation of fair price shop was suspended by order dated 16.10.2015, however, by the subsequent order dated 11.04.2016, the competent authority i.e. the SDO (Revenue), Sarangarh revoked the suspension and reinstated the petitioner to run the fair price shop. This order of revocation of suspension was challenged by the Cardholders before the Collector, Raigarh. By the impugned order dated 29.09.2016, the Collector, Raigarh has allowed the appeal and set aside the order dated 11.04.2016. Resultantly, the order revoking the petitioner's suspension has been quashed and it has again been put under suspension, however, there is no order either by the SDO (Revenue), Sarangarh on 11.04.2016 or by the Collector, Raigarh in the impugned order as to the fate of the petitioner's licence to run the fair price shop.

2. It is informed that till date no final order has been passed by the competent authority regarding the cancellation or otherwise of the licence/allotment of fair price shop. The order of suspension being of interim nature and is not a final order, the Authority should have passed the final order. The interim arrangement cannot continue forever as if a regular allotment has been made in favour of the person, who is managing the fair price shop as an interim measure.
3. For the foregoing, the writ petition is disposed of with a direction to the Collector, Raigarh to pass necessary orders directing the competent authority to decide finally the fate of the petitioner's allotment/licence to run the fair price shop.
4. The writ petition stands disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala