

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (C) No. 1720 of 2017**

Mahi Swa-Sahayata Samuh, Panchpedi through president Smt. Sumitra Mahilane, W/o Shri Ghasia Ram, aged about -55 years, president – Mahi Swa Sahayata Samuh Panchpedi, R/o village-Panchpedi, Tah. Sarangarh, Distt. Raigarh, Civil and Revenue Distt. Raigarh (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary Food and Civil Supplies Department, Mahanadi Bhavan, Mantralaya, New Raipur (C.G.)
2. The Collector (Food Branch), Raigarh, Distt. Raigarh (C.G.)
3. Sub Divisional Officer (Revenue), Sarangarh, Distt. Raigarh (C.G.)
4. Sarpanch Gram Panchayat Panchpedi, Tah. Sarangarh, Distt. Raigarh, Distt. Raigarh (C.G.)
5. Smt. Brinda Uraon, W/o Shri Kumar Uraon President – Jai Maa Saraswati Mahila Swa-Sahayata Samuh, Panchedi, R/o village – Panchpedi, Tah. Sarangarh, Distt. Raigarh, Distt. Raigarh (C.G.)

---- **Respondents**

For Petitioner	: Mr. M.K. Sinha, Advocate.
For State	: Mr. Prasun Bhaduri, Govt. Advocate.
For Respondent No. 5	: Mr. Sunil Sahu, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/08/2017

(1) Fair Price shop was allotted to the respondent No. 5, that order was challenged by the petitioner by filing appeal under Section 18(2) of the C.G Sarvajanik Vitran Pranali (Niyantran) Aadesh, 2004 (henceforth "Aadesh, 2004") before the Collector, Raigarh. The Collector has set aside the order of Sub Divisional Officer and directed that all the four applications be enquired after obtaining the opinion of Gram Panchayat, that order was challenged by the respondent No. 5 before the State Government by filing second appeal; and the State Government set aside the order of Collector and restored the

order of S.D.O (Revenue), against which instant writ petition has been filed questioning the same.

(2) Learned counsel for the petitioner would submit that the State Government has not assigned valid and sufficient reasons in setting aside the well reasoned and speaking order of Collector, Raigarh and, therefore, the same is liable to be set aside.

(3) On the other hand, counsel for the respondents opposes the writ petition.

(4) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(5) The Collector has assigned sufficient reasons while setting aside the order of Sub Divisional officer and directed that all the four applications be enquired after obtaining opinion of the Gram Panchayat., but the State Government has not assigned any reason while setting aside the order of Collector and simply set aside the order of Collector and no reasons has been assigned as to why order of Collector deserves to be set aside.

(6) In view of above, the writ petition is allowed. The impugned order is set aside. The matter is remitted back to the Sub Divisional Officer (Revenue) for hearing and disposal in accordance with law after obtaining opinion of the Gram Panchayat and will take a decision regarding allotment of the Fair Price Shop in accordance with law. Both the parties are at liberty to raise their objections before Sub Divisional Officer (Revenue), if any.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

