

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 6769 of 2007**

Smt. Kumharin Bai Sivare, President of Sheetla Mahila Swa Sahayata Samuh (Registered Society), Resgisted Office at Village Kohadiya, Post Gudheli, Tahsil Berla, Disttrict Durg (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through – The Secretary Food and Civil Supply Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector, District Durg (C.G.)
3. Sub Divisional Officer, Sanja, District Durg (C.G.)
4. A.C. Mishra, Food Inspector, Office of Food and Civil Supplies, District Durg (C.G.)
5. Maa Purnima Swayatta Sahkari Upbhokta Bhandar Maryadit, Through : The President, Village Bhalesar, Tahsil Berla, District Durg (C.G.)

---- Respondents

For Petitioner : Mr. Prateek Sharma, Advocate.

For State : Mr. Arun Sao, Dy. Advocate Genearl

For Respondent No. 5 : Mr. Pragalbh Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/07/2017**

(1) The petitioner was served with the show cause notice dated 27.09.2007 issued by respondent No. 3 along with enquiry report and on the same day his Fair Price Shop has been suspended and thereafter by order dated 05.11.2007 his Fair Price Shop has been cancelled, against which instant writ petition under Article 226 of the Constitution of India has been filed.

(2) Learned counsel for the petitioner would submit that while cancelling his Fair Price Shop, he has not been given reasonable opportunity of being heard and only show cause notice along with enquiry report has been issued to him and, thereafter, petitioner was not afforded to defend himself by cross-examining their witnesses and straightway non speaking and non reasoned order of termination of his Fair Price Shop has been passed, which is absolutely unsustainable in law and 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) A show cause notice dated 27.09.2007 has been served to the petitioner and on the same day order of suspension of his Fair Price Shop has been passed and, thereafter, respondents-State has neither proved allegations contained in the show cause notice by adducing evidence nor petitioner was given opportunity to cross examine respondents' witnesses to prove the allegations made and the order of termination of Fair Price Shop has been passed which is unreasoned and non-speaking order whereas it would be reasoned and speaking order.

(6) Since the petitioner has not afforded proper opportunity of hearing before issuing show cause notice, the impugned show cause notice dated 27.09.2007 is set aside. The matter is remitted back to the Sub Divisional Officer, Saja District Durg for

hearing and disposal strictly in accordance with after hearing the parties concerned and to pass reasoned order expeditiously preferably within a period of three months from the date of receipt of certified copy of this order.

(7) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-