

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1387 of 2016**

Adharsh Mahila Bachat Samuh Devgarh Through The President
Namely Smt. Gulabiya Bai W/o Late Shri Ramsai Baiga, Aged About
45 Years, R/o Village and Post Devgarh, Tahsil Bharatpur, District
Korea (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supplies, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Collector, Korea, District Korea (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Bharatpur, District Korea (Chhattisgarh)
4. Sarpanch, Gram Panchayat Devgarh, Tahsil Bharatpur, District Korea (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr.Prateek Sharma, Advocate
For State	:	Mr.Dheeraj Wankhede, G.A.
For Respondent No.4	:	Mr.Parag Kotecha, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/7/2017

Heard.

1. The allotment of petitioner's Fair Price Shop was set aside by the Sub-Divisional Officer (Revenue), Bharatpur by order dated 9.9.2015, which was set aside by the Collector, Baikunthpur by order dated 28.4.2016 and since then the petitioner is running the said Fair Price Shop, in the meanwhile the Collector, Koriya, Baikunthpur by undated order set aside the allotment of Fair Price Shop of the petitioner, which is bad and unsustainable in law.
2. Mr.Prateek Sharma, learned counsel appearing for the petitioner, would submit that by passing the impugned order the Collector (Food Branch), Koriya, Baikunthpur has committed jurisdictional error.

3. On the other hand, learned counsel for the respondents would support the impugned order.
4. Since the order of the Sub Divisional Officer (Revenue), Bharatpur has already been set aside by the Collector himself on 28.4.2016, there is no occasion to set aside the order of allotment of Fair Price Shop of the petitioner.
5. Accordingly, the impugned order (Annexure P/1) passed by the Collector (Food Branch), Koriya, Baikunthpur is set aside. However, this will not bar the respondents to proceed in accordance with law.
6. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-