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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1877 of 2012

1. Parwati Paikara W/o Gulab Sai Paikara Aged About 32 Years Sarpanch Gram Panchayat Amdiha, Post Tapkara, Tah Farsabahar, Police Station Tapkara, Dist Jashpur, Chhattisgarh Pin Code No.496227
2. Amrita Bada W/o Rajkumar Yadav Aged About 41 Years Panchayat. Secretary, Amdiha Post Tapkara, Tah. Farsabahar P.S. Tapkara, Dist Jashpur C.G. Pin Code No.496227

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Department of Food, Civil Supplies And Consumer Protection, DKS Bhawan, Raipur, Police Station Civil Lines, Raipur, Post Tahsil and District Raipur (CG) Pin Code 491001
2. Collector Jashpur Post Thana, Tahsil And Dist. Jashpur Chhattisgarh Pin Code No.496331
3. Superintendent Of Police Jashpur, Thana, Tahsil and District : Jashpur, Chhattisgarh Pin Code No.496331
4. Sub Divisional Officer (Revenue) Kunkuri, Post, Thana and Tehsil, Kunkuri, Dist Jashpur C.G. Pin Code No.496225
5. Food Inspector Farsabahar Post, Thana And Tahsil Farsabahar, Dist. Jashpur Chhattisgarh Pin Code No.496242
6. Station House Officer P.S. Tapakara, Post, Thana and Tehsil Farsabahar Dist. Jashpur Chhattisgarh Pin Code No.496227

---- Respondent

WPC No. 1878 of 2012

1. Albert Minj S/o Late Helarius Minj Aged About 58 Years Sarpanch Gram Panchyat Kersai, Post Kersai, Tahsil Farsabahar, P.S. Tapkara, Dist Jashpur C.G. Pin Code No.496227
2. Shyam Bihari Chauhan S/o Lt. Ruman Ram Chauhan Aged About 38 Years, Panchayat Secretary Kersai, Post Kersai, Tahsil Farsabahar, P.S. Tapkara, Dist. Jashpur Chhattisgarh Pin Code No.496227

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---- Respondent

For Petitioners	Mr. Somkant Verma, Advocate
For Respondent /State	Mr. Sameer Behar, Panel Lawyer

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

22/10/2018

1. Heard.
2. During surprise inspection of the petitioners' Fair Price Shop, the competent authority found certain irregularities in operation of the Fair Price Shop, which has been mentioned in the show cause notice dated 24.9.2012 (Annexure P/3) issued to the respective petitioners by the SDO(R), Kunkuri, District Jashpur, however, on the same date, the impugned memo/order - Annexure P/1 was issued to the Food Inspector, Tehsil Farsabahr, District Jashpur, directing the said officer to lodge FIR against the petitioners.

3. In the said impugned order -Annexure P/1, there is a reference of the Collector's order dated 17.9.2012, however, the inspection itself was carried on 18.9.2012, as mentioned in the document filed by the respondents vide Annexure R/2 with the return.
4. The respondents have not filed copy of the Collector's order/memo dated 17.9.2012.
5. In any case, there should not have been direction for lodging of FIR even before the inspection being carried out.
6. Considering the fact that the operation of the impugned order -Annexure P/1 has been stayed by this Court on 19.10.2012 and the stay order is operative since last more than 6 years, the writ petitions are disposed of with direction that the SDO(R), Kunkuri shall complete the proceedings, which has commenced pursuant to the issuance of show cause notice to the respective petitioners vide Annexure P/3, and on completion of the enquiry, if the petitioners are found to have committed any such illegality or irregularity, wanting lodging of FIR, the SDO(R) shall seek approval of the Collector and thereafter, lodge the FIR.
7. Till the matter is concluded by the SDO(R), the interim order passed earlier shall continue. Sd/-

(Prashant Kumar Mishra)

Judge

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