

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2518 of 2018**

- Smt. Rambha Bai Shriwas W/o Shri Kanhaiya Lal Shriwas Aged About 45 Years As A President Jai Maa Gayatri Mahila Swa Sahayata Samuh, Village-Awarid, R/o Village- Awarid, Janpad Panchayat And Tahsil-Nawagarh, Civil And Revenue District- Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary Department Of Food, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Collector Janjgir, Civil And Revenue District- Janjgir-Champa, Chhattisgarh.
3. The Sub Divisional Officer (Revenue) Janjgir, Civil And Revenue District- Janjgir-Champa, Chhattisgarh.
4. The Food Inspector Nawagarh, Civil And Revenue District- Janjgir-Champa, Chhattisgarh.
5. Kamla Bai Sarpanch, Village Panchayat- Awarid, Janpad Panchayat And Tashil-Nawagarh, Civil And Revenue District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Petitioner
For Respondent /State

Mr. Paras Mani Shrivastava, Advocate
Mr. Shashank Thakur, Government
Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****17/9/2018**

1. Heard.
2. The license of Fair Price Shop allotted to the petitioner under the provisions of the Chhattisgarh Public Distribution System

(Control) Order, 2004 has been cancelled in a proceeding under Rule 16 of the Control Order.

3. The only argument raised at the bar is to the effect that while carrying on spot inspection at the Fair Price Shop of the petitioner, the petitioner was not called and thus, the inspection was carried out in her absence, therefore, there is violation of principles of natural justice.
4. In the spot inspection carried by a team of two Food Inspectors, it was found that 257.57 quintals of rice and 0.95 quintal of sugar was found short, whereas, 3.01 quintals of refined salt and 67 litres of kerosene oil was found in excess of the declared stock. Similarly, the Stock and Distribution Registers were not properly maintained and the card holders were not distributed the food stuffs and other articles by using the tablet provided. The entires in the original ration card and tablet were found different and some of the card holders were not disbursed the articles in accordance with their entitlement. After issuing the show cause notice to the petitioner, the prescribed authority i.e. SDO(R), Janjgir-Chmapa passed an order on 7.9.2017 cancelling the license.
5. The appellate order passed by the Collector, District Janjgir-Champa would record that in the Panchnama prepared at the time of spot inspection, the petitioner and her salesman have put their signatures, therefore, the argument that the petitioner was not present at the time of spot inspection is contrary to record.

6. Since opportunity of hearing has been afforded to the petitioner before taking the impugned adverse action, there is no violation of principles of natural justice.
7. The Supreme Court in **B.K. Muniraju v State of Karnataka and Others**¹ held thus at para 22 :

22.It is settled law that a writ of certiorari can only be issued in exercise of extraordinary jurisdiction which is different from appellate jurisdiction. The writ jurisdiction extends only to cases where orders are passed by inferior courts or tribunals or authorities in excess of their jurisdiction or as a result of their refusal to exercise jurisdiction vested in them or they act illegally or improperly in the exercise of their jurisdiction causing grave miscarriage of justice. In regard to a finding of fact recorded by an inferior tribunal or authority, a writ of certiorari can be issued only if in recording such a finding, the tribunal/authority has acted on evidence which is legally inadmissible, or has refused to admit an admissible evidence, or if the finding is not supported by any evidence at all, because in such cases the error amounts to an error of law. It is needless to mention that a pure error of fact, however grave, cannot be corrected by a writ.

8. In view of the above, this Court is not entitled to interfere with the impugned order as the same does not suffer from any such illegality or perversity violating any of the provisions of statute or any constitutional provisions.
9. The writ petition being bereft of any substance, is liable to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna

¹ (2008) 4 SCC 451