

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2649 of 2018

1. Anusha Saral Swa Sahayata Samuh Through Secretary Anusha Saral Swa Sahayata Samuh, Shop No. 411002001, Hamalpara, Kharsiya, Dist. Raigarh Chhattisgarh
2. Mohammad Anish @ Sahzada, S/o Mohd. Yusuf Aged About 40 Years, Shopkeeper, Government Fair Price Shop No. 411002001, Hamalpara, Kharsiya, Dist. Raigarh Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Food and Civil Supplies and Consumer Protection Department, New Raipur, Raipur, Chhattisgarh
2. Collector Raigarh, Dist. Raigarh, Chhattisgarh
3. Sub Divisional Officer (Revenue), Kharsiya, Dist. Raigarh Chhattisgarh
4. Food Inspector Kharsiya, Dist. Raigarh, Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri Ravindra Sharma, Advocate
Shri Shashank Thakur, GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

25/09/2018

1. By order (Annexure-P-2), the fair price shop allotted to the petitioners has been attached with some other fair price shops after suspending the petitioners' allotment.
2. Under Clause 16 of the Chhattisgarh Public Distribution System (Control) Order, 2004, an order of cancellation of fair price shop

has to be passed within a period of one month from the date of issuance of show cause notice. The statute does not contemplate issuance of show cause notice before suspension of the allotment of fair price shop. The said requirement has been envisaged before passing the final order of cancellation. The petitioner has been issued a show cause notice vide Annexure-P-1 dated 14.08.2018, however, it appears, the final order in respect of the proceedings drawn against the petitioner has not been passed by the Competent Authority.

3. Considering the entire facts situation of the case, including the nature of allegation against the petitioner, I deem it appropriate to dispose of the writ petition directing the Competent Authority to pass final order in the matter at the earliest, preferably within a period of 1 month from the date of submission of certified copy of this order. The petitioner shall submit certified copy of this order before the Competent Authority within a week.

Sd/-
Prashant Kumar Mishra
Judge

Nirala