

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2974 of 2018

1. Smt. Leela Bai Sahu W/o Kehmran Sahu, Aged About 30 Years President, Jay Maa Karma Mahila Swa-Sahayata Samooh, Bahinga, Block Bemetara, Government Fair Price Shop, Village Bahinga, Tahsil and District Bemetara Chhattisgarh
2. Bhuneshwar Gan, S/o Mohitram Gan, Seller, Jay Maa Karma Mahila Swa-Sahayata Samooh, Bahinga, Tahsil and District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Collector (Food Department), Bemetara, District Bemetara, Chhattisgarh
3. Sub Divisional Officer (Food Department), Bemetara, District Bemetara Chhattisgarh
4. Assistant Food Officer, Bemetara (Food Inspector), Bemetara, District Bemetara Chhattisgarh
5. Sarpanch and Secretary, Gram Panchayat, Bahinga, District Bemetara Chhattisgarh

---- Respondents

For Petitioners
For Respondent-State

Shri Punit Ruparel, Advocate
Ms. Astha Shukla, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

29/10/2018

1. On 03.11.2017, the SDO (Revenue), Bemetara passed an order cancelling petitioner's allotment of fair price shop for Bahinga, Block Bemetara. The said order was affirmed in appeal by the Collector, Bemetara on 25.01.218, against which the petitioner preferred further

appeal under Clause 18 (2) of the Chhattisgarh Public Distribution System (Control) Order, 2004, which has now been dismissed by the impugned order passed by the State Government on 31.08.2018.

2. Bare perusal of the order passed by the State Government on 31.08.2018 would disclose that the same is a non speaking order without dealing with the facts of the case nor assigning any reason as to why petitioner's appeal deserves to be dismissed. Assigning reasons by the statutory Appellate Authority is a facet of principle of natural justice, because in the event of non assigning of reasons in the impugned order, firstly the petitioner is not aware as to whether the Authority has applied its mind and secondly it becomes difficult for the Superior Courts to examine the validity of the order vis-a-vis the reasons assigned in the order. The impugned order, therefore, deserves to be and is hereby set aside only on this count.
3. Accordingly, the order (Annexure-P-3) passed by the State Government being an unreasoned order is set aside and the matter is remitted back to the State Government for decision afresh on merits. The State Government shall decide the appeal within a period of 3 months from the date petitioner submits certified copy of this order before the Authority.
4. The writ petition is allowed to the extent indicated above.

Sd/-
Prashant Kumar Mishra
Judge