

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1592 of 2019**

- Bahinga Jay Maa Karma Mahila Swa Sahayata Samooh Village Bahinga, Government Fair Price Shop Store, Village Bahinga, Tahsil And District- Bemetara, Chhattisgarh, Through Its President- Smt. Leela Bai Sahu, W/o Shri Khem Ram Sahu, Aged About 30 Years, R/o Village Bahinga, 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), Saja, District- Bemetara, Chhattisgarh
4. Assistant Food Officer, Bemetara (Food Inspector), Berla, District- Bemetara, Chhattisgarh
5. Sarpanch And Secretary, Gram Panchayat, Ranka, District- Bemetara, Chhattisgarh

---- Respondents

For Petitioner : Shri Punit Ruparel, Advocate

For Respondents/State : Shri Sudeep Verma, Dy. GA with Shri Sumit Singh, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/05/2019**

1. Heard.
2. The present petition is against the order dated 28.01.2019 after the different rounds of litigation and the order passed by this Court on 29.10.2018 in WPC No.2974 of 2018 the impugned order dated 28.01.2019 has been passed, whereby the case has been remitted back to the SDO with direction to give

opportunity of hearing and give the opportunity of cross-examine to the petitioner, thereafter the orders may be passed on merits.

3. Learned counsel for the petitioner would submit that till date no order has been passed and the petitioner is running from pillar to post without his fault, therefore, he may be allowed to run the fair price shop.
4. Perusal of the document filed with this petition would show that after different round of litigation, under the order of the High Court, the State Government was directed to decide the matter afresh on merits and in pursuance of that order, the impugned order dated 28.01.2019 has been passed. By such order the case has been remitted back to the SDO with direction to give opportunity of hearing and also to lead evidence to the petitioner. In the opinion of this Court this order rather supports the petitioner as the entire contention earlier was that he was not given the opportunity of hearing, consequently in the order dated 28.01.2019, I do not find any reason to interfere with such order. However, taking into the time lapsed in between, the SDO is directed to decide the case within a further period of 6 months from the date of receipt of this order.
5. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu