

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2449 of 2019**

Seva Sahkari Samiti Gadadih, Through Its Manager, Gajadhar Singh, Aged About 28 Years, S/o. Sadhuram, R/o. Village Look, Post Sahaspur, Police Station Parpodi, Tahsil Saja, District Bemetara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Food, Civil Supplies & Consumer Protection, Mahanadi Bhawan, New Mantralaya, Naya Raipur, Chhattisgarh.
2. Collector (Food) Bemetara Chhattisgarh.
3. Sub- Divisional Officer (Revenue) Saja, District Bemetara, Chhattisgarh.
4. President, Bod Jan Kalyan Mahila Swa Sahayata Samuh, Bod, Village Bod, Tahsil Saja, District Bemetara, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Aman Kesharwani, Advocate
For State Respondents	:	Mr. Rajesh Singh, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

18.07.2019

1. The present petition is against the order dated 09.07.2019 passed by the Sub Divisional Officer (Revenue), District Bemetara.
2. The petitioner contents that the petitioner was running a fair-price shop at Gram Panchayat Look, District Bemetara and by the impugned order dated 09.07.2019, his fair-price shop is attached with another fair-price shop which amounts to suspension. Learned counsel for the petitioner submits that as per the Chhattisgarh Public Distribution System (Control) Order, 2016, Rule 16 which contemplates before penalty is imposed of suspension it requires hearing to be given before such action is taken and submits in this case no hearing was given before the such suspension was passed.
3. Rule 16 of the Chhattisgarh Public Distribution System (Control) Order, 2016 reads as under :

“16. **Penalty** – (1) If the Shopkeeper contravenes any

provisions of the agreement then he shall be liable for suspension or cancellation by the officer authorized for allotment of Fair Price Shop. The time limit for redressal of such cases shall not be exceed three months.

(2) During inspection of the shop, if any irregularity is found, then without prejudice to any action the whole or part of the amount deposited by shopkeeper as security, shall be forfeited in favour of the State Government.

(3) Before cancellation of authority letter of Fair Price Shop or forfeiture of whole or part of security, Food Controller or Food Officer of the district or Sub-Divisional Officer of sub-division shall issue show cause notice to Fair Price Shopkeeper and after giving an appropriate opportunity of being heard shall decide within a period of a month from issuance of show cause notice."

(4) xxx xxx xxx

(5) xxx xxx xxx

(6) xxx xxx xxx

(7) xxx xxx xxx

(8) xxx xxx xxx

4. The impugned order dated 09.07.2019 has been passed under Rule 16(1) of the Chhattisgarh Public Distribution System (Control) Order, 2016 which purports that if the Shopkeeper contravenes any provisions of the agreement then he shall be liable for suspension or cancellation by the officer authorized for allotment of Fair Price Shop. Clause 3 of it mandates that if the cancellation is being made then in such case the shopkeeper shall be heard.
5. In the instant case, since the cancellation has not been effected, the hearing at this stage would not be required as otherwise it would defeat the very purpose of the Chhattisgarh Public Distribution System (Control) Order, 2016 itself. Therefore, no relief can be given to the petitioner at this stage.
6. The petition is premature and accordingly is dismissed.

Sd/-
Goutam Bhaduri
Judge