

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2714 of 2019**

Jagriti Mahila Swa-Sahayata Samuh, Village Jashpur, Tahsil Sarangarh, District Raigarh, Chhattisgarh, Through Its President namely Smt. Kaushalya Bai Jaiswal, W/o. Shri Ganesh Ram Jaiswal, Aged About 38 Years, R/o. Village Jashpur, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh, Through Collector, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Petitioner : Mr. M.P.S.Bhatia, Advocate

For State/Respondent : Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08.08.2019**

Heard

1. The present petition is filed against the order dated 24.06.2019 whereby in an appeal filed under Order 18(2) of the Chhattisgarh Public Distribution System (Control) Order 2016, the application for stay has been dismissed.
2. It is contended on behalf of the petitioner that the petitioner is carrying on Ration shop, which was meant for distribution of the food grains under the scheme of the State wherein an inspection was carried out and it was found that 11 persons who were dead in whose name the ration were delivered, however, out of which 5 ration card holders were active and in respect of others the list was provided by the State online and there was no occasion for the petitioner to deviate. It is further contended that the scheme also provided that family members can get the ration on behalf of the ration card holder, which is provided as per sub Order 26 of Order 5. He further submits that the SDO by an order dated 07.06.2019 has canceled the allotment order and against which when the appeal was filed assigning the entire reason, the Collector by such cryptic & non-speaking order has dismissed

the appeal whereby the entire filing of the appeal under Order 18 (2) of the Chhattisgarh Public Distribution System (Control) Order 2016 shall become infructuous. Therefore, the Collector may be directed to decide appeal and till then the effect of the order dated 07.06.2019 may be stayed.

3. Perused the documents as also the application filed by the petitioner for stay of the order dated 07.06.2019. It is contended by the petitioner that distribution of food grains are being made on the basis of the list given by the State online and there is no occasion for the petitioner to deviate from the same. It is further contended that sub Order 26 of Order 5 contemplates that any family members can avail the respective food grains allotment in whose name the card stands. Therefore, under the facts, in given background of the case, these aspects are to be dealt with as the dismissal of the stay which has been passed appears to be non-speaking as against the facts of memo of appeal and application of stay and the application of stay cannot be isolated to the memo of appeal. If the appeal is admitted and stay has not been granted in given facts then in such case it may rendered entire filing of the statutory appeal to be infructuous. Under the circumstances, it is directed that, if the allotment of shop has not been made to others as on today, the effect & operation of the order dated 07.06.2019 shall remain stayed and in such eventuality the petitioner shall be allowed to continue till the appeal is decided on merit. The Collector shall make all endeavor to decide the appeal as early as possible and he shall not be influenced by this order.
4. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge