

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4355 of 2019**

Ekta Mahila Swa Sahayta Samuh Through The President Smt.
Shashirani Khatri, Saket Nagar, Ward No. 2, Korba, District Korba
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Food And Civil Supplies, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Collector, Korba, District Korba, Chhattisgarh
3. District Food Officer, Collectorate, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Rashmeet Johal along with Mr. Rohit Sharma, Advocates
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02.12.2019**

1. The instant writ petition has been filed primarily against the action on the part of the respondents in not permitting the petitioner to smoothly run the fair price shop which according to the petitioner stands allotted to Ekta Mahila Swa Sahayata Samuh i.e. the petitioner.
2. Perusal of the record would show that the petitioner was issued with a show cause notice vide Annexure P-3 dated 30.08.2019 to which the petitioner

has already filed a detailed reply.

3. Counsel for the petitioner submits that pursuant to the reply submitted by the petitioner there has been no further order passed by the respondent no.3 on the show cause notice proceeding. It is the further contention of the petitioner that after the submission of the reply there has also not been any further opportunity of hearing given to the petitioner nor has there been any inquiry or investigation conducted in respect of any irregularities or complaint received against the petitioner. It is also submitted by the petitioner that without there being an order of cancellation of the allotment, the respondents have literally ordered for closing of the shop which has led to the filing of the present writ petition.
4. At this juncture, learned State counsel, referring to Annexure P-3 dated 30.08.2019, submits that there is only a show cause notice proceeding to which the petitioner Sahayata Samuh have also submitted their reply and therefore, the entire writ petition itself is premature at this juncture because unless & until a final order is passed detrimental to the interest of the petitioner, the writ petition as such would not be sustainable.
5. Given the aforesaid contentions put forth on either side and taking into consideration the show cause notice issued on 30/08/2019 and the reply submitted by the petitioner, this Court is of the opinion that ends of justice would meet if the respondent no.3 is directed to proceed further and conclude the show cause notice proceeding Annexure P-3 at the earliest in accordance with law. While concluding the said proceeding, the respondent no.3 is expected to give a fair and reasonable opportunity of hearing to the petitioner. It is also directed that unless there is an order of cancellation of the allotment of the fair price shop of the petitioner and unless there is a

finalization on the show cause notice proceeding initiated by the respondent no.3, the petitioner Ekta Mahila Swa Sahayata Samuh have a right to operate the said shop as they were operating prior to the issuance of the show cause notice dated 30.08.2019.

6. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**