

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1302 of 2020**

Bharti Sonwani W/o Ashok Sonwani Aged About 46 Years President
Karbinda Mahila Self Help Group Ambikapur, Post Ambikapur, Block
Ambikapur, Tehsil Ambikapur District Sarguja Chhattisgarh., District :
Surguja (Ambikapur), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supplies, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. The Collector Sarguja (Food Branch) District Sarguja Chhattisgarh.,
3. Manager Chhattisgarh State Civil Supplies Corporation Center Ambikapur, District Sarguja Chhattisgarh.
4. The Food Officer District Sarguja Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Akhilesh Kumar, Advocate
For State/Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/06/2020**

1. The challenge in the present writ petition is to the order of the Food Officer-Respondent No. 4 dated 13.05.2020 (Annexure P/3) whereby on some allegations of shortcomings in the running of the fair price shop has been suspended and it has been ordered to be handed over to another society.
2. At the outset, this Court is of the opinion that the issue involved in the present case is governed under the Chhattisgarh Public Distribution System (Control) Order 2016. Under the said control order clause 18 specifically provides for an appeal to be preferred to the Collector in the event of any suspension or cancellation of allotment of a fair price shop.
3. In view of there being an alternative remedy available to the petitioner, the present writ petition in its present form would not be maintainable.

4. The writ petition accordingly is disposed of directing the petitioner to avail the remedy under Clause-18 of the Control order 2016 before the Collector. The petitioner is also at liberty to move an interim application before the Collector seeking stay of the effect and operation of the impugned order dated 13.05.2020.
5. It is further directed that in the event, if the petitioner approaches the Collector by way of an appeal along with an application for interim relief, it is expected that the Collector shall consider and decide the interim application at the outset itself.
6. Counsel for the petitioner at this juncture submits that even as on date it is the petitioner who is running fair price shop and he prays for a short period of time within which he may be permitted to prefer an appeal before the authority, till then, let status quo as it exists today be maintained as petitioner has already made too much of investment.
7. Given the submission by the counsel for the petitioner, let petitioner prefer an appeal before appellate authority within a period of seven days from today and for these seven days' till petitioner prefers appeal, respondents are directed to maintain status quo as it exists today so far as operation of fair price shop is concerned.
8. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge