

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1533 of 2020**

Rakhi Mahila Swa Sahayata Samuh Through Its President Namely
Amrita Gupta W/o Uttam Gupta, Aged About 40 Years, R/o Village
Bhawarmal, Post Chandranagar, P.S. Ramanujganj, District Balrampur
Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Food, Civil
Supply And Consumer Protection, Mahanadi Bhawan, New Raipur, Atal
Nagar, District Raipur, Chhattisgarh
2. The Collector, District Balrampur Ramanujganj, Chhattisgarh
3. The Sub Divisional Officer (Rev.) Ramanujganj, District Balrampur
Ramanujganj, Chhattisgarh
4. Food Inspector, Ramanujganj, District Balrampur Ramanujganj
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Satish Gupta, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07.08.2020**

1. The challenge in the present writ petition is the cancellation of the
allotment of Fair Price Shop to the petitioner dated 15.06.2020.
2. The main grievance of the petitioner is that against the said
cancellation order, the petitioner has already preferred an appeal under

the guidelines before the district Collector on 22.06.2020. However, because of lockdown situation, the appeal preferred by the petitioner could not even be registered nor could it be taken up for hearing. Meanwhile, the respondents have now vide Annexure P-2 issued a fresh advertisement for allotment of Fair Price Shop afresh.

3. The contention of the counsel for the petitioner is that in case if the advertisement is acted upon, the petitioner's interest and appeal would be adversely affected, rather the appeal itself would become infructuous and the petitioner would be rendered remediless if a third party interest is created.
4. This Court, in a similar situation in WPC No. 1287 of 2020 decided on 24.06.2020 had disposed of the writ petition directing the appellate authority under the control order for considering the appeal on merits or at least considering the application for interim relief at the outset before any final third party interest is created.
5. In view of the order passed in the aforesaid writ petition i.e. WP(C) 1287/2020, this Court is of the opinion that the present writ petition can also be disposed of in similar terms.
6. Accordingly, the present writ petition stands disposed of directing the district Collector to register and decide the appeal of the petitioner at the earliest. The liberty is granted to the petitioner to press upon the application for interim relief also before the Collector.
7. It is further directed that as long as the appeal which is pending before the district Collector or the application for interim relief whichever is decided earlier, the respondents shall not finalize the advertisement Annexure P-2 for allotment of Fair Price Shop which was earlier allotted

to the petitioner. The petitioner is also permitted to apprise the district Collector about the order passed by this Court and for an early hearing.

8. With the aforesaid direction, the writ petition stands disposed of.

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