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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2096 of 2020**

Sewa Sahkari Samiti Kathiya, Block Berla, District Bemetara Through- Its President Anil Kumar Sahu S/o Shri Shobhit Ram Sahu, Aged About 42 Years, R/o, Gram Panchayat Kathiya, Post Ranka, Tahsil Berla, District Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Special Secretary Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
3. Commissioner Cum Director Food Civil Supplied And Consumer Protection, Block 2, 3rd Floor, Indrawati Bhavan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
4. The Collector Bemetara District Bemetara Chhattisgarh
5. Food Controller, Bemetara District Bemetara Chhattisgarh
6. Sub Divisional Officer (Revenue) Berla, District Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anand Dadariya, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

14/09/2020

1. The challenge in the present writ petition is to the advertisement Annexure P/1 dated 26.08.2020, which is an advertisement for allotment of the shop bearing I.D. No. 432011018.
2. From the pleadings it appears that the petitioner has been allotted the shop on the cancellation of allotment of the original allottee. The

challenge to the advertisement now is on the ground that the advertisement is being made invoking the provisions of clause 9.4 of the Chhattisgarh Public Distribution System (Control) Order, 2016, which according to the petitioner would not be applicable in the instant case as the petitioner do not have any other shop other than the one which they are operating presently and clause 9.4 is in respect of those entity who are running more than three fair price shops.

3. At the outset, this Court is of the opinion that since from the pleadings itself, it is evidently clear that the petitioner was not the original allottee of the said fair price shop bearing I.D. No. 432011018 but has been allotted the fair price shop on the cancellation of the allotment of the original allottee. The allotment order of the petitioner has not been brought on record. It appears that the allotment made in favour the petitioner was not in accordance with the procedures otherwise prescribed for allotment i.e. by issuance of an advertisement and thereafter due selection process being held. It also appears from the pleadings that the petitioner has been operating the said fair price shop since 2010 onwards.
4. Given the said facts, this Court at this juncture does not intend to interfere with the advertisement so issued by the respondents. However, this Court is of the opinion that considering the fact that the petitioner has been operating the said fair price shop for 10 years, it would be in the interest of justice if the petitioner is directed to file a representation before the respondents No. 4 & 6 in respect

of his grievance, if any, and the respondents No.4 & 6 shall promptly at the earliest decide the said representation on its own merit in accordance with law preferably before finalizing the advertisement so issued by the respondents.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved