

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2131 of 2020**

Smt. Luxmi Devi W/o Sanjay Gupta Aged About 38 Years President Of Sangam Women Self Help Group Sumerpur- Nawadih/ Assistant Seller Of Govt. Fair Price Shop Nawadih Village Panchyat- Nawadih Block- Balrampur Distt.- Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Food And Civil Supply Mahanadi Bhawan New-Raipur Distt.- Raipur (C.G.)
2. The Collector (Food Department) Surajpur, Distt.- Surajpur, Chhattisgarh
3. The Sub-Divisional Officer (Revenue) Balrampur Distt.- Balrampur-Ramanujganj, Chhattisgarh
4. The Food Inspector Balrampur Distt.- Balrampur-Ramanujganj, Chhattisgarh
5. Govt. Fair Price Shop Vishrampur Block- Balrampur, Distt.- Balrampur-Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. N. Pandey, Advocate
For State	:	Mr. Siddharth Dubey, Dy. GA

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

06/10/2020

1. The challenge in the present writ petition is to the order Annexure P-1 dated 27.08.2020 passed by the respondent suspending the operation of the fair price shop allotted to the petitioner and temporarily granting the operation to the respondent No.5.

2. Contention of the petitioner is that respondents have not properly appreciated the reply that the petitioners have filed. Likewise, it was also the contention of the petitioner that allegations levelled in the show cause notice as also defects that are pointed out in the course of the inspection are petty in nature and which is not warranting cancellation of the allotment itself. It was further contention of the petitioner that once when the show cause notice was already issued and reply was submitted there was no occasion for the respondents to have suspended the fair price shop, they should have in fact taken a final decision.
3. Learned State counsel opposing the petition submits that since order under challenge is only an order of suspension which by itself means that respondents are in the process of conducting the enquiry on the show cause notice and defects that were detected in the course of inspection. He submits that plain reading of the show cause notice and response filed by the petitioners would by itself show that there are certain facts which need to be decided only in the course of enquiry which cannot be thrashed out or decided in the writ petition at this juncture.
4. Considering the contentions put forth on either side and on perusal of records, particularly taking note of the fact that since the order under challenge is only an order of suspension, this Court is also conscious of the fact that interference under the Writ jurisdiction in a show cause proceeding or to an order of suspension pending enquiry being too minimal and order under challenge being only a suspension order which by itself is not a punishment as such, this Court is of the opinion that ends of justice would meet if the writ petition is disposed of directing the respondents to proceed further with the show cause notice and to conclude the enquiry against the petitioner at the earliest preferably within 30 days.

5. It is also expected that authorities shall give a fair and reasonable opportunity to the petitioner to lead evidence in support of his defence and to disprove the allegations raised in the show cause notice by Department.
6. The present Writ Petition accordingly stands disposed of expecting the authorities to conclude the proceedings within 30 days as directed earlier.

Sd/-
(P. Sam Koshy)
Judge

Rohit