

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2284 of 2020**

1. Jai Durga Swayatt Sahakari Prathamik Upbhokta Bhandar, Village - Ghughasidih, P.S. Uttai, Tahsil And District Durg Chhattisgarh, Through President Doman Lal Bharti, S/o Bhaktu Ram Bharti, Aged About 52 Years, R/o Village Khopli, P.S. Uttai, Tahsil and District : Durg, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food Supplies And Consumer Protection, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
2. The Director of Food, Civil Supplies and Consumer Protection, Block 2, 3rd Floor, Indrawati Bhawan, Mantralaya, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
3. The Collector (Food) Collectorate Office Durg, District : Durg, Chhattisgarh
4. The Commissioner Civil Supplies And Consumer Protection Department, Directorate Civil Supplies And Consumer Protection Block - 2, 3<sup>rd</sup> Floor, Indrawati Bhawan, Mantralaya, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
5. Food Controller Durg, District : Durg, Chhattisgarh
6. The Sub Divisional Officer (Revenue) Durg, District : Durg, Chhattisgarh
7. Maa Laxmi Mahila Swa Sahayata Samooh Pauwara, P.S. Uttai, Tahsil And District : Durg, Chhattisgarh

**---- Respondents**

|                |                                           |
|----------------|-------------------------------------------|
| For Petitioner | : Mr. Anil Singh Rajput, Advocate         |
| For State      | : Mr. Siddharth Dubey, Dy. Govt. Advocate |

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

**08.10.2020**

1. The challenge in the present writ petition is to the order Annexure P-3 dated 11.09.2020 passed by the respondent no. 6 suspending the operation of the fair price shop allotted to the petitioner and temporarily granting the operation to the respondent No.7.
2. Contention of the counsel for the petitioner is that respondents have not properly appreciated the reply that the petitioner has 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 petitioner 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**