

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2378 OF 2020**

- Balram Sonwani, S/o Shri Chandrabali, aged about 35 years, Sarpanch/Operator of Govt. Fair Price Shop of Village Panchayat- Atouri, PS- Pasta, Block- Balrampur, District Balrampur-Ramanujganj (CG)

... Petitioner(s)**versus**

1. State of Chhattisgarh, through the Secretary, Department of Food and Civil Supply, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. The Collector (Food Department), Balrampur, District Balrampur-Ramanujganj (CG)
3. The Sub Divisional Officer (Revenue), Ramanujganj, District Balrampur-Ramanujganj (CG)
4. The Food Inspector- Balrampur, District Balrampur-Ramanujganj (CG)
5. Govt. Fair Price Shop, Kotsari, Block Balrampur, District Balrampur-Ramanujganj (CG)

---- Respondent(s)

For Petitioner	:	Mr. A.N. Pandey, Advocate.
For Respondents	:	Mr. Sudeep Verma, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy**Order on Board****20.10.2020**

1. Challenge in the present Writ Petition is to the order dated 15.7.2020 (Annexure P-1) passed by Respondent No.3.
2. Vide the said impugned order the Respondent No.3 has suspended the fair price shop allotted to the Petitioner and temporarily attached the same with the Respondent No.5 for operating it.
3. Contention of the learned Counsel for the Petitioner is that under the Chhattisgarh Fair Price Shop Allotment Rules, in the event of any irregularity or misappropriation committed by any of the fair price shop allottee their allotment can be suspended or cancelled and that any proceeding drawn in between has to be concluded within three months' time. As per the learned Counsel for the Petitioner, since the order of suspension was issued on 15.7.2020 three months period has

already elapsed and therefore the order of suspension stands automatically lapsed and the Petitioner's possession has to be restored and the suspension has to be revoked. He further submits that the impugned action of suspension is at the behest of the local MLA, which again would show that the action was with malafide intention with no justified cause or reason available.

4. Learned State Counsel, on the other hand, submits that the Petitioner's fair price shop was placed under suspension on finding material irregularities being committed in the course of operating the shop, however, because of the prevailing COVID-19 pandemic situation, things could not be concluded within the stipulated period as per the rules governing the field and submits that appropriate action shall be taken at the earliest. Moreover, he contended that the order of suspension was not promptly challenged and the same has now been challenged after more than about 3½ months and for this reason the present Writ Petition does not warrant interference.

5. Having heard the contentions put forth on either side and on perusal of record, if the rules governing the field, based on the procedure and the period prescribed during which the proceeding has to be concluded, the said procedure has to be adhered to. No doubt, in the instant case, there is the impact of COVID-19 which is prevailing, but that itself cannot be a ground for keeping the allottee under suspension for an indefinite period.

6. Given the facts and circumstances of the case, more particularly being conscious of the fact that the scope of interference at the stage of suspension pending enquiry being minimal and the order of suspension by itself not being a punishment or a permanent order, this Court is of the opinion that ends of justice would meet if the present Writ Petition is disposed of directing the Respondents, if they want to proceed further with the Petitioner, it should be done at the earliest and conclude the proceeding within a period of 30 days from the date of receipt of copy of this order failing which the Respondents should take immediate steps in restoring the status of the Petitioner against the shop which was allotted to him.

7. It is expected that the authorities shall give fair and reasonable opportunity to the Petitioner in respect of his defence and to disprove the allegation, if at all, if the Respondents intend to conduct an enquiry.

8. Writ Petition stands disposed of with the aforesaid terms.

Sd/-
(P. Sam Koshy)
Judge

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