

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2564 OF 2020**

Prathmik Sahakari Upbhokta Bhandar, Talapara (now Krantikumar Bhartiyanagar), Bilaspur, through its Chairman, Noordad Khan, S/o Haji Ashraf Khan, aged about 66 years, R/o Talapara, Kumharpara, Bilaspur, District Bilaspur (CG)

... Petitioner(s)

versus

1. State of Chhattisgarh, through Secretary, Department of Food Civil Supplies and Consumer Protection, Mahanadi Bhawan, Mantralay, Atal Nagar, District Raipur (CG)
2. The Director, Directorate of Food Civil Supplies and Consumer Protection, Block No.2, 3rd Floor, Indravati Bhawan, Mantralaya, Atal Nagar, District Raipur (CG)
3. The Collector (Food), Collectorate Office, Bilaspur, District Bilaspur (CG)
4. The Controller (Food), near Collectorate Office, Bilaspur, District Bilaspur (CG)

... Respondent(s)

For Petitioner	:	Mr. Palash Tiwari, Advocate.
For Respondents/State	:	Mr. Anand Verma, Dy. A.G.

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

04.11.2020

1. The limited relief that the Petitioner has sought for in the present Writ Petition is for a direction to Respondent No.3 to take an appropriate decision on the representation of the Petitioner which has been filed seeking for regularizing his Fair Price shop that was allotted to him and which he was operating since long in the past.

2. Contention of the learned Counsel for Petitioner is that at one point of time there was a scheme of the State Government which said that any shop with less than 500 Ration Cards holders, the licence to run those fair price shops would be cancelled. However, subsequently, the Government had introduced the Core PDS scheme and where there is no such requirement of a shop to have a minimum of 500 ration card holders as under the Core PDS scheme a card holder can obtain rations from any shop in the State. Based upon the said scheme, the Petitioner had approached the authorities and the

Respondent No.1, i.e., the Secretary of the department, in turn vide his correspondence dated 17.04.2020 had directed the Respondent No.3 to take an appropriate decision in respect of the claim of the Petitioner. However, though more than six months have passed no decision has been taken at the end of the Respondent No.3, which led to the filing of the present writ petition.

3. Learned State Counsel, at this juncture, submits that the present writ petition may be disposed of directing the Respondent No.3 to take a decision in accordance with the rules, scheme and guidelines governing the field.

4. Given the submission by the learned State Counsel, the present writ petition is disposed of directing the Respondent No.3 to consider and decide the representation of the Petitioner. Respondent No.3 while deciding the same is expected to take into consideration all the relevant factors and the instructions that have been issued by the State Government and also the instructions which are reflected in Annexure P-5, dated 20.6.2019 and any other instructions also which are in force in this regard. Let a decision be taken by Respondent No.3 at the earliest, preferably within a period of sixty days from the date of receipt of copy of this order.

5. Writ Petition accordingly stands disposed of with the aforesaid observation.

Sd/-
(P. Sam Koshy)
Judge