

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2528 of 2020**

Maa Shakti Swayatt Sahkarita Prathmik Upbhokta Bhandar Maryadit, A Society Duly Registered Under The Provisions Of The Chhattisgarh Sahkari Society Act 1960 Through Its President, Kanti Kumar Sahu S/o Kheduram Sahu, Aged About 44 Years, R/o Village - Silli, Tehsil - Dhamdha, District – Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mantralya Mahanadi Bhawan, Capital Complex, New Raipur, District – Raipur, Chhattisgarh
2. Collector, Durg, District – Durg, Chhattisgarh
3. Sub Divisional Officer (Revenue), Dhamdha, District - Durg Chhattisgarh

---- Respondents**Writ Petition (C) No. 2529 of 2020**

- Paaknaam Mahila Swa-Sahayta Samuh, A Society Duly Registered Under The Provisions Of The Chhattisgarh Society Registration Act 1973. Through Its President, Smt. Kusum Sahu W/o Pratap Sahu, Age About 46 Years, R/o Village Hirri, Tehsil Dhamdha, District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mantralaya Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur, Chhattisgarh
2. Collector, Durg, District Durg, Chhattisgarh
3. Sub Divisional Officer (Revenue), Dhamdha, District Durg, Chhattisgarh

---- Respondents

Writ Petition (C) No. 2535 of 2020

- Udit Mahila Swa Sahayta Samuh, A Society Duly Registered Under The Provisions Of The Chhattisgarh Society Registration Act 1973. Through Its President, Smt. Sushila Bai W/o Kishelal Sahu, Age About 51 Years, R/o Village Nawagaon, Tehsil Dhamdha, District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mantralaya Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur, Chhattisgarh
2. Collector, Durg, District Durg, Chhattisgarh
3. Sub Divisional Officer (Revenue), Dhamdha, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sanjay Agrawal, Advocate
For State	:	Mr. Raghvendra Verma, G.A., Mr. Anand Verma & Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

27.10.2020

1. The challenge in these three writ petitions is to the order of suspension of the fair price shop allotted to the petitioners vide Annexure P-1.
2. The primary ground of challenge is that the order of suspension is in total violation of the Chhattisgarh Public Distribution System (Control) Order, 2016 and the same is also in contravention to the principle of natural justice inasmuch as no opportunity of hearing before placing the petitioners' fair price shop under suspension was granted.
3. According to the petitioner the Respondents have issued the show

cause notice and the order of Suspension on the same day. This is contrary to the Control Order 2016. Like wise before placing the petitioner under Suspension no opportunity of hearing was provided as no explanation was sought, about any alleged irregularities on the part of the petitioner.

4. State counsel opposing the writ petitions submits that the main allegation itself against the petitioners is that they are not opening the fair price shop timely neither are they keeping the records of the food materials required to be distributed under the Public Distribution System of the State Govt. Further contention of the State counsel is that the petitioners have only been called upon to explain as to why appropriate action should not be taken against them which the petitioners can convince the authorities.
5. Having heard the counsel for the parties and also taking note of the factual matrix of the case as is available in the present writ petitions, undisputedly the show cause notice and the order of suspension have been issued on the same date. Clause-16 of the Chhattisgarh Public Distribution System (Control) Order, 2016 clearly stipulates granting an opportunity of hearing before an action is taken by the respondents. In the instant case, vide Annexures P-1 & P-3, the show cause notice and the order of suspension have been issued on the same date. The nature of allegations that are made, particularly in respect of not opening the fair price shop timely and also not maintaining the records properly by the petitioners, seem to be quite serious.
6. Given the said facts and also taking note of the fact that firstly the suspension is not a final order and it is only a temporary stoppage of the operation of the fair price shop allotted to the petitioner pending

enquiry and secondly the scope of interference at the stage of suspension being too minimal, it would not be proper for this Court to interfere with the suspension order.

7. However, taking into consideration the provisions of the PDS Control Order, 2016 where it mandates that in the event of an appropriate action contemplated, the same has to be concluded within a period of 30 days, the present writ petition stands disposed of at this juncture directing the petitioners to promptly give reply to the show cause notice, if it not submitted by now. The respondent authorities are directed to conclude the inquiry within the period of 30 days as mandated in the PDS Control Order, 2016 failing which the authorities should ensure revocation of the order of suspension and restoring of the operation of the fair price shop allotted to the petitioners.
8. With the aforesaid observation, the writ petitions stand disposed of.

Sd/-
P. Sam Koshy
Judge