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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2531 of 2020**

Kailash Mansarovar Mahila Swasahayta Samuh, A Society Duly Registered Under The Provisions Of The Chhattisgarh Society Registration Act 1973, Through Its President Smt. Kanti Mahobiya W/o Kailash Mahobiya, Age About 48 Years, R/o Village Dhamdha, 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 the present writ petition is to the order of suspension of the fair price shop allotted to the petitioner dated 12/13.10.2020.
2. According to the petitioner Swa-Sahayta Samuh, they have been operating the fair price shop since 2008. They were served with a show cause notice recently on 08.09.2020 in respect of certain allegations levelled against the petitioner. The petitioner immediately submitted the reply to the show cause notice on 11.09.2020. However,

without further conducting any inquiry the respondents in an arbitrary manner have placed the petitioner's fair price shop under suspension vide Annexure P-1. According to the petitioner, under the Chhattisgarh Public Distribution System (Control) Order, 2016, the proceeding ought to have been concluded within a period of 30 days but in the instant case, without concluding the proceeding within the stipulated period, the respondents have passed the order of suspension.

3. State counsel, on the other hand, submits that the petitioner was issued with a show cause notice and the reply has also been filed. However, because of the impact of COVID-19 pandemic situation, the inquiry could not be concluded within the stipulated period. He further submits that to ensure a smooth operation of the fair price shop, the petitioner's fair price shop was placed under suspension and the same has been granted to a third party for operating the same temporarily and the inquiry would be concluded at the earliest.
4. Having heard the counsel for the parties 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 inquiry 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.
5. 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 petitioner to promptly give reply to the show cause notice, if it has not been 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 petitioner.

6. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**