

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2735 of 2020

- Bharti Sonwani, W/o Ashok Sonwani, Aged About 46 Years President Karbinda Mahila Self Help Group Ambikapur, Post And Block Ambikapur Tehsil Ambikapur, District Surguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Food And Civil Supplies, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. The Collector Sarguja Through (Food Branch) District Sarguja Chhattisgarh.
3. Manager Chhattisgarh State Civil Supplies Corporation Center Ambikapur, District Sarguja Chhattisgarh.
4. The Food Inspector Ambikapur, District Sarguja Chhattisgarh.

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For Petitioner	:	Shri Akhilesh Kumar, Advocate
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For State	:	Shri Amrtio Das, Addl A.G.
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.11.2020

Heard

1. The grievance of the petitioner is that allotment of petitioner's fair price shop was suspended by order dated 30.05.2020 which was subject of challenge in WPC No. 1302 of 2020 wherein this Court on 26.06.2020 has observed that petitioner may file an appeal and for a week i.e. for 7 days status quo order was granted.
2. Learned counsel for the petitioner submits that thereafter the petitioner has preferred an appeal (Annexure P-1) in the month of August along with the stay application, however till date no hearing has been given to the petitioner, thereby though the appellate remedy has been exercised but all the efforts are made to make it infructuous at the instance of the appellant

authority. It is stated though the appeal is not heard but at the same time the officers of respondent authority are visiting the shop of the petitioner to execute the earlier order. He further submits that under the circumstances, if the hearing is not given by not hearing the appeal, the petitioner will suffer irreparable loss and in the meanwhile if the shop is granted to third party then the appeal will become infructuous. It is submitted by the passive deliberate act of appellate authority the cause of petitioner cannot be shelved.

3. Learned State counsel would submit that the appeal is already pending and the appellate authority will decide the issue.
4. Perused the documents. Perusal of documents shows that in the earlier round of litigation against the suspension of the fair price shop the petitioner preferred the writ petition bearing no. 1302 of 2020 wherein this Court on 26.06.2020 observed that the petitioner may file an appeal and for 7 days status quo was granted. Subsequently, the petitioner has filed the appeal by Annexure P-1 which is pending before the Collector and as has been submitted the stay application had been already preferred along with the appeal. The contention of the petitioner appears to be logical that if the appeal is not heard and at the same time the order impugned is executed then the filing of the appeal itself will become infructuous. Under the circumstances, it is directed that the Collector shall decide the appeal (Annexure P-1) filed by the petitioner within a outer limit of 60 days and till then status quo as exist today shall be maintained and no further allotment in respect of the shop of the petitioner may be granted till the appeal is decided.
5. Accordingly, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge