

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2669 of 2020

Sahakari Vipnan Sanstha Maryadit, Kota, A Co-operative Society Registered Under The Provision Of Chhattisgarh Co-operative Society Act, 1960 Through Its President Laxmi Narayan Dubey, S/o. Late Shivshankar Prasad Dubey, Aged About 63 Years, R/o. Ward No.11, Purani Basti, Kargi Road, Kota, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of Food And Civil Supplies, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
2. Director, Directorate Of Food And Civil Supplies Department, Block No.2, 3rd Floor, Indrawati Bhawan, Mantralaya, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
3. Commissioner, Food And Civil Supplies Department, Directorate Of Civil Supplies And Consumer Protection Block No.2, 3rd Floor, Indrawati Bhawan, Mantralaya, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
4. Collector, Bilaspur, District Bilaspur Chhattisgarh.
5. Sub Divisional Officer (R) Kota, District Bilaspur Chhattisgarh.
6. Assistant Food Officer Kota, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Malay Shrivastava, Advocate.
For State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.11.2020

Heard

1. Challenge in this petition is to the letter Annexure P-1 wherein it has been decided by the State to advertise the additional fair price shop which exceeds No.3 and are being run by the petitioner society and others.
2. Learned counsel for the petitioner submits that the petitioner is running 13 to 14 fair price shop from last many years at Gram Panchayat Kota. He would submit that large number of employees are working in the said

shops and the other shops which exceeds to number 3. It is stated that the shop which are more than three in number are subject of advertisement for allotment to other societies. He further submits that if the exceeding number of fair price shops are allotted to other society then the persons who are working in those shops shall lose their job. He would further submit that the letter/order Annexure P-1 has been passed without giving any opportunity of hearing to the petitioner, therefore, before such order is passed, the petitioner should have been heard and accordingly the petitioner may be given liberty to make a representation before the State in terms of the order passed by this Court in WPC No. 1797 of 2020 on 17.08.2020.

3. Per contra, learned State counsel would submit that reading of Annexure P-1 would show that the number of shop which exceeds in number 3, different cooperative societies have acceded and have given their consent and accordingly as per Rule 9(4) of the Chhattisgarh Public Distribution System (Control) Order, 2016 the number of shop which exceeds in 3 are proposed to be allotted to different agencies.
4. Heard learned counsel appearing for the parties and perused the documents.
5. The relevant Rule for adjudication of this lis is Rule 9 (4) of the Chhattisgarh Public Distribution System (Control) Order, 2016 which deals with the allocation number of fair price shop, which reads as under :

“9. Allocation of Fair Price Shop –

(1)xxx.....xxx.....xxx

(2).....xxx.....xxx.....xxx

(3).....xxx.....xxx.....xxx

(4). Generally, only one Fair Price Shop can be allotted to any agency in its area, but in order to ensure regular distribution of essential commodities to ration cardholder consumers, shop

allotment authority can allot more than one shop specifying valid reason, but in no circumstances the number of shops so allotted shall exceed their Fair Price Shops.”

6. Reading of the said Rule would show that the agencies are initially can be allotted to one shop and maximum it can be up till three and in any case allocation shall not exceed to three fair price shop.
7. Perusal of Annexure P-1, the internal communication, which is under challenge would show that the agencies which has been allotted more than three shops have consented to the fact that barring three, more number of fair price shops may be advertised. In view of such facts, the reliance placed by the petitioner on the order passed in WPC No.1797 of 2020 on 17.08.2020 would not be applicable in case of the petitioner. There is no challenge to the Rule 9(4) of the Chhattisgarh Public Distribution System (Control) Order, 2016. Being so when Rule 9(4) is holds the field, the representation may not serve the purpose and the petitioner is at liberty to seek redressal, if so advised, in an appropriate forum/ petition. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Aks