

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2666 of 2020

Laxmi Mahila Swa Sahayata Samuha Through Secretary Phuleshwari Bhaskar, W/o- Raghuvar Bhaskar Aged About 35 Years, Village Baijalpur, Tehsil- Lormi, District- Mungeli (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Food, Civil, Supply And Consumer Protection, Mantralaya Naya Raipur District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Additional Collector, Mungeli, District Mungeli (Chhattisgarh)
3. Sub-Divisional Officer, Tehsil- Lormi, District Mungeli (Chhattisgarh)
4. Adarsh Mahila Swa Sahayata Samuha Village Nathelapara, Tehsil- Lormi, District- Mungeli (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Krishna Tandon, Advocate.
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For State	:	Ms. Sunita Jain, Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.11.2020

Heard

1. The submission is that initially for certain irregularities, the fair price shop which was allotted to the respondent No.4 was suspended and the administration was handed over to the petitioner society by the order of the S.D.O. on 29.01.2020 (Annexure P-2). The said order was subject of challenge before the Collector. The Additional Collector by order dated 24.09.2020 (Annexure P-5) remitted back the case to the Court of S.D.O. The S.D.O. thereafter on 29.07.2020 has revoked the suspension which was earlier passed and in order to stay such order, an application was filed which was dismissed by the order dated 08.10.2020 (Annexure P-1).

2. Learned counsel for the petitioner submits that once the order of suspension having been passed by the S.D.O. the same could not have been revoked by the order dated 29.07.2020 and accordingly the same may be stayed.
3. Perusal of the documents would show that after dismissal of the appeal by the Additional Collector on 24.09.2020, the S.D.O. has decided the case on 29.07.2020.
4. Rule 18 of the Chhattisgarh Public Distribution System (Control) Order, 2016 reads as under :

*“18. **Appeal** – (1) Any person aggrieved by any order of designated officer, denying the allotment of Fair Price Shop, issue or renewal of a ration card or cancellation of the ration card, may appeal to the Collector/ Additional Collector within a period of 30 days from the date of receipt of the order.”*

5. Since the said order passed by the S.D.O. is appealable under the Chhattisgarh Public Distribution System (Control) Order, 2016, the alternative appellate remedy is available to the petitioner. The petitioner may avail the appropriate appellate forum; therefore, the petitioner is given liberty to file such appeal within a period of two weeks from today.
6. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks