

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 3113 of 2020**

Smt. Radha Verma W/o Shri Ramcharan Verma Aged About 48 Years  
President Of Ma Sidheshwari Women Self Help Group Nawagaonkala/  
Operator Of Fair Price Shop Of Village- Panchyat- Nawagaonkala, Block-  
Saja, Distt.- Bemetara, Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Food And Civil Supply Mahanadi Bhawan New- Raipur, Distt.- Raipur, Chhattisgarh
2. The Collector (Food Department) Bemetara Distt.- Bemetara, Chhattisgarh
3. The Sub-Divisional Officer (Revenue) Saja Distt.- Bemetara, Chhattisgarh
4. Food Inspector Thankhamhariya Block- Saza, Distt.- Bemetara, Chhattisgarh
5. President Of Gajanan Khadaiya Suraksha Poshan And Upbhokta Seva Sahkari Samiti Maryadit Banranka Village- Panchyat- Banranka Block- Saja, Distt.- Bemetara, Chhattisgarh

**---- Respondents**

---

|                |   |                           |
|----------------|---|---------------------------|
| For Petitioner | : | Mr. A.N.Pandey, Advocate. |
|----------------|---|---------------------------|

|           |   |                                 |
|-----------|---|---------------------------------|
| For State | : | Ms. Sunita Jain, Govt. Advocate |
|-----------|---|---------------------------------|

---

**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**10.12.2020**

Heard

1. The instant petition is against the order dated 12.10.2020 (Annexure P-1) whereby the allotment of the Fair Price Shop to the petitioner has been canceled.
2. Learned counsel for the petitioner would submit that the order dated 12.10.2020 has been passed without giving any opportunity of hearing and on 12.10.2020 itself the alleged show cause notice Annexure P-3 was issued and thereby the show cause notice and cancellation of the allotment has been made on the same time without giving any opportunity of hearing to the petitioner and the shop has been attached with the

respondent No.5. Therefore, the order Annexure P-1 is bad in law as it has not followed the rule of *audi alteram partem*.

3. Learned State counsel would submit that the petitioner has remedy to file an appeal before the Collector and all the factual aspect can be gone into.
4. Perusal of the order dated 12.10.2020 would show that the cancellation of the fair price shop was on the ground that the petitioner has not followed certain guidelines issued under the Chhattisgarh Public Distribution System (Control) Order 2016 and has violated the clause 11(8), 13, 14 & 15.
5. Clause 11(8) of the C.G. Public Distribution System (Control) Order 2016 reads as under:-

“It shall be mandatory for the Fair Price Shopkeeper to display the sample of food grains to be distributed to consumers at Fair Price Shop.”

6. Clause 13 of the C.G. Public Distribution System (Control) Order 2016 reads as under:-

“13. Registers to be kept at Fair Price Shop and its inspection – (1) Fair Price Shopkeeper shall maintain all such registers as prescribed by the Director, Food, Civil Supplies and Consumer Protection Department.

(2) Fair Price Shopkeeper shall make all registers available, for inspection to the officers of the, -

(a) Department of Food, Civil Supplies and Consumer Protection not below the rank of Food Inspector;

(b) Department of Revenue and Disaster Management not below the rank of Nayab Tahsildar;

(c) Home Department not below the rank of Sub-Inspector, and shall also provide all the information to any other officer authorized by the Collector.

(3) In case of receipt of application from any person under Right to Information Act, 2005 (No.22 of 2005) Fair Price Shopkeeper shall make available the copies of information and records. In case of demand by the copies of documents maintained by Fair Price Shopkeeper, it shall be made available on depositing such fees, as prescribed under the provisions of the said Act.”

7. Clause 14 of the C.G. Public Distribution System (Control) Order 2016 reads as under:-

“14. Display of Board etc. at Fair Price Shop – (1) A Notice Board shall be displayed at the Fair Price Shop written in Hindi language. Details as given in the Annexure-III shall be displayed on the Notice Board.

(2) Fair Price Shopkeeper shall display the daily information like list of scheme-wise ration cardholders attached with the shop, eligibility of essential commodities to the ration cardholders, price list, stock of essential commodities received during the month, sample of essential commodities received in the shop, toll free number of state level call centre, name and mobile numbers of the members of vigilance committee, provisions related to the Right to Information etc., at the Fair Price Shop.”

8. Clause 15 of the C.G. Public Distribution System (Control) Order 2016 reads as under:-

“15. Compliance of instructions:- Fair Price Shopkeeper shall comply with the instructions issued by the State Government, Director, Food, Civil Supplies and Consumer Protection Department or the Collector from time to time.”

9. Reading of Annexure P-1 shows that the order of cancellation of fair price shop 12.10.2020 was passed on the same day when the show cause notice was issued i.e. on 12.10.2020. Though the show cause calls for an explanation but obviously at the time which has been passed in between shows that no opportunity of hearing was given to the petitioner so as to place his defence. Therefore, it would show that the cancellation order was issued without giving any opportunity of hearing to the

petitioner. Consequently, it is against the rules of natural justice. Prima facie reading of Annexure P-1 therefore would show that *ab initio* illegal order has been passed without giving an opportunity of hearing. Under the circumstances, the order dated 12.10.2020 (Annexure P-1) is set aside. Accordingly, the petition is allowed.

Sd/-  
**(Goutam Bhaduri)**  
**Judge**

Aks