

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 249 of 2021

- Shiv Shakti Women Self Help Group Tangarmahari Through President Smt. Sheela Singh W/o Shiv Rudra Singh Aged About 36 Years, President Of Shiv Shakti Women Self Help Group- Tangarmahari, Block And Tahsil- Balrampur Distt.- Balrampur-Ramanujganj, 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) Balrampur Distt.- Balrampur-Ramanujganj, Chhattisgarh
3. The Sub-Divisional Officer (Revenue) Balrampur Distt.- Balrampur-Ramanujganj, Chhattisgarh
4. The Food-Inspector Balrampur Distt.- Balrampur-Ramanujganj, Chhattisgarh
5. The Gram Panchyat Bhelwadih/operator Of Faire Price Shop Bhelwadih Through Secretary Gram Panchyat-Bhelwadih Block And Tahsil-Balrampur Distt.- Balrampur-Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	:	Shri A.N. Pandey, Advocate
For Respondent/ State	:	Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.02.2021

Heard

1. The grievance of the petitioner is that the petitioner's fair price shop was suspended by order dated 06.11.2019 thereafter nothing has transpired. It is submitted that as per the provisions of Section 16 (1) of Chhattisgarh Public Distribution System (Control) Order, 2016 [henceforth 'Control Order, 2016'] the time limit for redressal of such

cases shall not exceed three months, whereas considerable time has been passed, however the SDO, Balrampur has not decided the case of the petitioner.

2. Learned State counsel was directed to seek instructions.
3. Learned State counsel submits that no instructions have been received.
4. Section 16 of the Chhattisgarh Public Distribution System (Control) Order, 2016 reads as under:-

16. Penalty :- (1) If shopkeeper contravenes any provision of agreement, then he shall be liable for suspension or cancellation by the officer authorized officer for allotment of Fair Price shop. The time limit for redressal of such cases shall not exceed three months.

(2) During inspection of shop, if any irregularity found, then without prejudice to any action the whole or part of amount deposited by shopkeeper as security, shall be forfeited in favour of the State.

(3) Before cancellation of authority letter of Fair Price Shop or forfeiture of whole or part of security, Food Controller or Food Officer of district, Sub-Divisional Officer of sub-division shall issue show cause notice to Fair Price Shopkeeper and after giving an appropriate opportunity of being heard shall decide within a period of a month from issuance of show cause notice.

5. Reading of the order would show that if the suspension is caused then the time limit for redressal of such case should not exceed three months and that too opportunity of hearing must be given to the aggrieved. In this case the order is dated 06.11.2019 and till date it appears that the proceeding has not been concluded.
6. In view of such mandate of Control Order, 2016 *supra*, the SDO

(Respondent No. 3) is directed to conclude the proceeding within a period of 30 days from the date of receipt of this order.

7. Accordingly, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti