

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 924 of 2021**

- Jitan Poya S/o Shiv Singh Aged About 43 Years Sarpanch Gram Panchayat Lurgikala, Tahsil Balrampur , District Balrampur Ramanujganj Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supplies , Mahanadi Mantralaya , Naya Raipur , Post Office And Police Station Naya Raipur , District Raipur Chhattisgarh
2. Collector (Food Branch) Balrampur Ramanujganj Chhattisgarh
3. Sub Divisional Officer (Revenue) Balrampur , District Balrampur Ramanujganj Chhattisgarh
4. Secretary Gram Panchayat , Bada , Tahsil Balrampur , District Balrampur Ramanujganj Chhattisgarh
5. Tahsildar Balrampur , District Balrampur Ramanujganj Chhattisgarh

---- Respondents

For Petitioner : Shri Rakesh Kumar Jha, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****26/02/2021**

1. Heard.
2. Challenge in this petition is to the order dated 20.01.2021 (Annexure P-1) whereby the fair price shop run by the petitioner at village Lurgikala was suspended and was directed to be attached with the fair price shop Bada.
3. Learned counsel for the petitioner would submit that on the flimsy ground that

the display board was not made, the suspension of the shop has been made on the ground that the said act is in the direct violation of the Order 5 (11), 14 (1) and 15 of the Chhattisgarh Public Distribution System (Control) Order, 2016 (for short 'the Control Order 2016'). He would further submit that since the allegations were frivolous, the Gram Sabha has passed the resolution to continue the fair price shop with the village Lurgikala as primarily no breach of condition exists. He would further submit that till date the petitioner has not been served with any notice for hearing, therefore, the order dated 20.01.2021 may be set aside.

4. Per contra, learned State counsel opposes the argument and would submit that as per the suspension order, the suspension has been done pursuant to Order 16 (1) of the Control Order, 2016, therefore, the petitioner can challenge the suspension and thereafter the case of the petitioner would be concluded and the petitioner thereafter can challenge the cancellation order.
5. I have heard learned counsel for the parties and perused the show-cause notice and the order.
6. Perusal of the suspension order would show that the suspension has been made pursuant to the Order 5 (11), 14 (1) and 15 of the Control Order, 2016.
7. Order 5(11) of the Control Order, 2016 reads as under:-

5. Lifting, storage, transportation and distribution.-

(11) Director, Food, Civil Supplies and Consumer Protection

Department shall decide the process for inspection and proforma of sale register, stock register and ration card register.

8. Order 14(1) of the 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.

9. Order 15 of the Control Order, 2016 reads as under:-

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

10. It appears that Order 14 is the primary one which mandates that the 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 etc. and name and mobile numbers of the members of the vigilance committee.

11. Since the allegations are that the petitioner was not complying with the Order 14 (1) as such this finding can only be arrived at when the hearing takes place as per Order 16 of the Control Order, 2016.

12. Since the suspension order has already been passed on 20.01.2021 and the petitioner has not been given the notice for hearing though the Order 16 (1) of the Control Order, 2016 contemplates that the time limit for redressal of suspension should not exceed three months, therefore, since the considerable time has passed, the Sub Divisional Officer, Balrampur is directed to hear the

case of the petitioner and decide the same within a further period of two weeks from the date of receipt of the copy of this order.

13. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu