

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 957 of 2021

Ma Shitala Women Self Help Group Banranka through the President
Smt. Santoshi Sahu, W/o Ashwani Kumar Sahu, Aged About 30
Years, President Of Ma Shitala Women Self Help Group Banranka
Block Saja District Bemetara Chhattisgarh --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Department of Food and Civil Supply Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The Collector (Food Department) Bemetara District Bemetara Chhattisgarh
3. The Sub Divisional Officer (Revenue) Saja District Bemetara Chhattisgarh
4. The Food Inspector Saja District Bemetara Chhattisgarh
5. President Yeshwarya Luxmi Women Self Help Group /operator Govt. Faire Price Shop Patora, Block Saja District Bemetara Chhattisgarh
--- **Respondents**

For the petitioner :	Mr.A. N. Pandey, Advocate
For the State :	Ms.Shreya Mishra Dy.Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.02.2021

1. The grievance of the petitioner is that its Fair Price Shop was suspended by order dated 30.10.2019 and according to Order 16 of the *Chhattisgarh Public Distribution (Control) Order 2016* the proceeding of the like nature is required to be concluded within a period of 3 months.
2. Learned counsel for the petitioner submits that the respondents may be directed to decide the case of the petitioner within a specified time.
3. Per contra, learned State Counsel opposes the arguments and submits that against the suspension of fair price shop,

the petitioner has filed an appeal before the Collector and the same is pending and the said fact has been suppressed.

4. Order 16 of Control Order, 2016 prescribes penalty. Clauses (1)(2) & (3) of the Order 16 read as under :

“16. Penalty.-(1) If the shop keeper contraves any provisions of the agreement then he shall be liable for suspension or cancellation by the officer authorised for allotment of Fair Price Shop. The time limit for redressal of such cases shall not exceed three months.

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

(3) Before cancellation of authority letter of Fair Price Shop or forfeiture of whole or part of security, Food Controller or Food Officer of the district or 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 Control Order 2016 would show that against the cancellation, the appeal would lie and in respect of suspension, clause (1) of Order 16 would show that in case of suspension/cancellation of allotment of Fair Price Shop by the authorized officer, time limit for redressal of grievance shall not exceed 3 months. Here in this case suspension was effected on 30.10.2019, therefore, considerable time has elapsed. Under the Circumstances, the SDO is directed to conclude the case of petitioner within a period of 30 days from the date of receipt of this order.
6. With the above direction/observation, this writ petition stands finally disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**