

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2698 of 2021

- Mahamaya Women Self Help Group Kushphar Through President Smt. Jirman Poya W/o Ramvriksh Poya Aged About - 62 Years, President Of Mahamaya Women Self Help Group Kushphar / Operator Of Government Fair Price Shop - Kushphar Police Station - Sanawal Block - Ramchandarpur - District - Balrampur - Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Food And Civil Supply Mahanadi Bhawan New - Raipur District Raipur Chhattisgarh.
2. The, Collector (Food Department) Balrampur District - Balrampur - Ramanujganj Chhattisgarh
3. The, Sub - Divisional Officer (Revenue) Ramanujganj District - Balrampur - Ramanujganj Chhattisgarh
4. The Food Inspector - Ramanujganj District - Balrampur - Ramanujganj Chhattisgarh.,
5. Government Fair Price Shop - Semarwa Kushphar Police Station - Sanawal Block - Ramchandarpur - District - Balrampur - Ramanujganj Chhattisgarh.

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For Petitioner	:	Mr. A.N. Pandey, Advocate
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For State	:	Mr. Gagan Tiwari, Dy. G.A.
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Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.07.2021

1. Heard
2. Learned counsel for the petitioner submits that the petitioner is running a fair price shop and on certain allegation on the instance of the local MLA, the said shop was suspended by order dated 24.02.2021 (Annexure P/1). He submits that the considerable time has been passed but till date, the case of the petitioner has not been decided as per provisions of the Chhattisgarh Public Distribution System (Control) Order, 2016 (hereinafter referred as 'Control Order 2016'). Therefore, the respondents may be directed to decide the case of the petitioner as per Clause 16

of the Control Order 2016.

3. Clause 16 Sub Rule 3 of the Control Order 2016 reads as under:-

“16. Penalty.- (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.”

4. Since the suspension has already been affected, therefore that cannot be continued for time immemorial. As the proceeding has already been commenced and if the proceeding has not been concluded till date as per Clause 16 Sub-rule 3 of the Control Order 2016 as referred above, the SDO is required to decide the same within a period of month. Accordingly, it is ordered that since the suspension has already been affected, the SDO- respondent No. 3 shall decide the case of the petitioner within a further period of 30 days from the date of receipt of copy of this order.
5. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE