

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3064 of 2021**

Adivasi Vipran Sahkari Samiti Maryadit Through Its Assistant Manager-Maniram Yadav S/o Late Puran Singh Yadav, Aged About 55 Years R/o Ward No. 12, Dantewada District Dantewada (South Bastar) Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food Supplies And Consumer Protection, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh
2. The Director Of Food Civil Supplies And Consumer Protection, Block-2 3rd Floor, Indrawati Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh
3. The Collector (Food) Near Collectorate Office Dantewada District Dantewada Chhattisgarh
4. The Commissioner Civil Supplies And Consumer Protection Department Directorate Civil Supplies And Consumer Protection, Block-2-3rd Floor, Indrawati Bhawan, Mantralaya Atal Nagar, Raipur Chhattisgarh
5. Deputy Collector And Food Controller Dantewada (South Bastar) District Dantewada Chhattisgarh
6. The Assistant Registrar, Cooperative Society, South Bastar Dantewada District Dantewada Chhattisgarh
7. The Sub Divisional Officer Dantewada District Dantewada Chhattisgarh

---- **Respondents**

For petitioner– Shri Prakash Tiwari, Advocate.
For Respondent/State –Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

05/08/2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner was running 13 fair price shop which was running from 2001, at that time there was no upper limit was fixed about the number of fair price shop to be run by the society. Subsequently, Chhattisgarh Public Distribution System (Control) Order, 2016 came into play wherein the number of the upper

limit to run the fair price shop was fixed to three and by order dated 1/09/2020 the respondents have directed that they can only run three shops as per the Chhattisgarh Public Distribution System (Control) Order, 2016. It is contended that since the petitioner were running the fair price shop prior to 2016 implementation of Chhattisgarh Public Distribution System (Control) Order, 2016, would not be applicable. It is further submitted that lot of workers are working in the fair price shop and if Chhattisgarh Public Distribution System (Control) Order, 2016 is given a retrospective effect then the employee will loose their job as they are at the fag end of their carrier and it will lead to unemployment and starvation and the question of livelihood. He refers to order passed in WPC No.1980/2020 by the coordinate bench of this court on 18/09/2020. He would submit that in the similar fashion the coordinate bench of this court has given protective umbrella to the petitioner. Learned counsel submits that till date since the petitioner are running the fair price shop they may be given opportunity of hearing by making a representation and till the representation is decided the status quo with respect to running of fair price shop as on date may not be disturbed. He also relies on the judgement passed by the coordinate bench of this court on 25/08/2020 in WPC No.1926/2020.

2. Considering the prayer made and order passed by the coordinate bench, the petitioner is given liberty to make a representation before the respondents No.1 and 2 ventilating all the grievance including the fact that they are running the fair price shop since 2001 and all of a sudden if closure is ordered lot of employee will loose their job and it will lead to question of their livelihood. In case such representation is filed within a period of three

weeks before the respondents No.1 and 2, same will be decided according to the policy of the State within a reasonable time. Considering the order passed by the coordinate bench of this court to advance a parity, it is directed that till such representation is decided by the respondent/authority, the petitioner shall be allowed to continue the fair price shop which are running today.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE