

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3300 of 2021**

Prathmik Adarsh Danteshwari Sahkari Samiti Maryadit Through Its
Member Md. Muslim S/o Lt. Md. Hamid, Aged About 50 Years Ring
Road No. 04, Kodanar Kirandul 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, Nawa Raipur 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 Commissioner Civil Supplies and Consumer Protection Department Directorate Civil Supplies and Consumer Protection Block 2, 3rd Floor, Indrawati Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
4. Deputy Collector And Food Controller Dantewada (South Bastar) District Dantewada Chhattisgarh
5. The Asst. Registrar Cooperative Society, South Bastar Dantewada District Dantewada Chhattisgarh
6. The Sub Divisional Officer Dantewada District Dantewada Chhattisgarh
7. The Collector (Food) Collectorate Office Dantewada District Dantewada Chhattisgarh **--- Respondents**

For the Petitioner	:	Mr. Prakash Tiwari, Advocate.
For the State	:	Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24-08-2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner's society was running certain number of fair price shops since 2003, at that time there was no upper limit was fixed about the number of fair price shops 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 shops was fixed to three and by order dated 01-09-2020 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's society was running the fair price shops prior to 2016, implementation of Chhattisgarh Public Distribution System (Control) Order, 2016, would not be applicable. It is further submitted that presently 8 fair price shops are being run by the petitioner's Society wherein lot of workers are working and if Chhattisgarh Public Distribution System (Control) Order, 2016 is given a retrospective effect then the employees will lose their jobs as they are at the fag end of their career 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 and 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's society is running the fair price shops 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 shops as on date may not be disturbed. He also relies on the judgment passed by the coordinate bench of this court on 25/08/2020 in WPC No.1926/2020.

2. Considering the prayer made and the order passed by the coordinate bench, the petitioner is given liberty to make a representation before the respondents No.1 & 2 ventilating all the grievances including the fact that their Society is running the fair

price shops since 2003 and all of a sudden if closure is ordered lot of employees 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 & 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 the parity ground, it is directed that till such representation is decided by the respondent/authority, the petitioner shall be allowed to continue the fair price shops which are being run by the Petitioner as on today.

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

Sd/-

(GOUTAM BHADURI)
JUDGE