

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3275 of 2021**

- Mini Mata Swa Sahayata Mahila Samuh At Village Khursi, Post Kapisda, Tahsil Sarangarh, District Raigarh Chhattisgarh Through Its President, Smt. Rita Bai, Wife Of Salikram Tandon, Aged About 40 Years, Resident Of Village Khursi, Post Kapisda, Tahsil Sarangarh, District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food And Agriculture, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. Collector Raigarh, District Raigarh (Chhattisgarh)
3. Sub Divisional Officer (Revenue) Sarangarh, District Raigarh (Chhattisgarh)
4. Tahsildar Tahsil Sarangarh, District Raigarh (Chhattisgarh)
5. Assistant Food Officer Sarangarh, District Raigarh (Chhattisgarh)
6. Food Inspector Sarangarh, District Raigarh (Chhattisgarh)
7. President Siwatal Mahila Swa-Sahayata Samuh, Tahsil Sarangarh, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner : Shri U.R. Koshaley, Advocate

For Respondents/State : Shri Gagan Tiwari, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****12/08/2021**

1. Heard.
2. The petitioner was running a fair price shop and on certain inspection having

been carried out, it was found that the petitioner has committed breach of certain provisions of Chhattisgarh Public Distribution System (Control) Order, 2016 (for short 'the Control Order 2016'), therefore, the impugned order dated 30.07.2021 was passed by respondent No.3 whereby the fair price shop of the petitioner group was suspended.

3. Learned counsel for the petitioner would submit that in absence of any complaint, the suo moto inspection was made and despite the fact that certain goods were available, it was recorded in the Panchnama that the goods were not available according to the stock of distribution and the fair price shop was suspended. He would further submit that the said suspension of the fair price shop is on the wrong facts, therefore, is illegal and entire wrong narrations in the Panchnama has been made. He would further submit that stock in the register and in the distribution if are compared, it would show that all the goods which were meant for distribution tallied and since the distribution was made online, due to the fault in the server, the stock was shown as existing though it was distributed. He would, therefore, pray that the suspension order dated 30.07.2021 Annexure P-1 may be stayed.
4. Perusal of the documents would show that after suspension of the fair price shop, the proceedings are pending and the case was fixed lastly on 06.08.2021 as per the order-sheet. Rule 16 of the Control Order, 2016 contemplates that before cancellation of any fair price shop, opportunity of hearing is required to be given and the proceedings shall be decided within a period of one month from issuance of show-cause notice.
5. Rule 16 (1) & (3) of the Control Order, 2016 are reproduced hereinbelow:-

16. Penalty :- (1) If shopkeeper contravenes any provision of agreement, then he shall be liable for suspension or cancellation by the officer authorized officer for allotment of Fair Price shop. The time limit for redressal of such cases shall not exceed three months.

(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.

6. Sub-rule (1) of Rule 16 of the Control Order, 2016 contemplates that in case certain fault comes to the fore and if shopkeeper contravenes any provision of agreement, then he shall be liable for suspension or cancellation. Since in the present case, the suspension has already been effected. Sub-rule (3) of Rule 16 contemplates that after giving opportunity of hearing, orders will be passed within a period of one month from show-cause notice. Since the proceedings are already pending before the SDO, Sarangarh, as per the order-sheet Annexure P-6, the SDO is directed to decide the case of the petitioner within a period of 30 days from the date of receipt of the copy of this order after giving opportunity of hearing to the petitioner.

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

Sd/-

Goutam Bhaduri
Judge

Ashu