

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 3663 of 2021

Ramjanki Women Self Help Group – Joung, Through President Smt. Pramila Sahu, W/o. Hirawan Sahu, Aged About - 47 Years, President Of Ramjanki Women Self Help Group – Joung, Block – Bemetara, District – Bemetara, 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) Bemetara, District – Bemetara, Chhattisgarh
3. The Sub - Divisional Officer (Revenue) Bemetara, District - Bemetara Chhattisgarh
4. The, Food Inspector Bemetara, District - Bemetara Chhattisgarh
5. President Of Khadaiya Suraksha Poshan & Upbhokta Sewa Sahkari Samiti Pathara Block – Bemetara, District – Bemetara, Chhattisgarh

---- Respondents

For Petitioner : Mr. A.N.Pandey, Advocate

For State Respondents : Mr. Sudeep Agrawal, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.09.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner is running a Fair Price Shop, which was canceled by the order dated 31.08.2021 on the wrong factual aspect. He would submit that the Food Inspector used to verify the facts and no complaint was ever found to be made, however, despite the fact that the petitioner is

running the Fair Price Shop in fair and equitable manner, it has been canceled on the wrong premises.

2. Since the allotment of Fair Price Shop is covered by the Chhattisgarh Public Distribution System (Control) Order 2016 (*for short "the Order 2016"*), Order 18 Rule (1) provided that any person aggrieved by any order of designated officer may appeal to the Collector/ Additional Collector within a period of 30 days. Therefore, since the alternate remedy has been provided which requires a factual aspect, the petitioner may file an appeal within a further period of 15 days.
3. Learned counsel for the petitioner submits that the petitioner as on today is running the Fair Price Shop which would be evident from the stock register. Taking into such fact, the petitioner is given liberty to file an application for interim relief for stay of the order along with the appeal within 15 days. If such appeal, if so filed, under Order 18 Rule 2 of the Order, 2016, till the interim relief application is decided, *status quo*, as exists today, shall be maintained.
4. With the aforesaid observation, the petition stands disposed off.

Aks

Sd/-
(Goutam Bhaduri)
Judge