

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3834 of 2021**

Multipurpose Co-operative Samiti Maryadit Lundra Through Secretary Shiv Sharan Singh, Aged About 52 Years, Village Lundra, Post Lundra, Block Lundra, Tehsil Lundra, District Sarguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supplies, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. The Collector Sarguja (Food Branch) District Sarguja Chhattisgarh
3. The Sub Divisional Officer (Revenue) Ambikapur, District Sarguja Chhattisgarh,
4. Manager Chhattisgarh State Civil Supplies Corporation Center Ambikapur, District Sarguja Chhattisgarh
5. The Food Inspector Lundra, District Sarguja Chhattisgarh

---- Respondent

For petitioner - Shri Akhilesh Kumar, Advocate.

For Respondent/State – Shri Ravi Bhagat, Dy.G.A.

For Respondent No.4 – Shri Syed Majid Ali, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order**

21/09/2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner was running a fair price shop, on wrong premises a show cause notice was served to the petitioner which was replied and thereafter without giving any opportunity of hearing on the wrong factual aspect cancellation order has been issued on 8/09/2021 (Annexure P-6) and fresh advertisement has been ordered for. He would submit that since the issue is governed by Chhattisgarh Public Distribution System (Control) Order, 2016 he may be given liberty to challenge the order dated 8/09/2021 by way of an appeal before

the Collector/Additional Collector within a period of two weeks and may be given liberty to file an interim application also. He further submits that appeal of the like nature are pending before the Collector, however no hearing have been given and the respondents are trying to publish fresh advertisement and in case fresh allotment is made then filing of the appeal may become infructuous.

2. Learned State counsel would submit that the petitioner may file the appeal.
3. Considering the fact since the allegations have been made that the order dated 8/09/2021 has been passed without giving any opportunity of hearing to the petitioner, the petitioner may file an appeal as prayed under Rule 18 of the Chhattisgarh Public Distribution System (Control) Order, 2016 within a period of two weeks. Thereafter, the Collector shall hear the appeal on its merit after examining the record. The Collector shall also consider as to whether opportunity of hearing was given to the petitioner or not. The petitioner shall also be at liberty to file an interim application for stay of the order dated 8/09/2021.
4. Under the circumstances, the petitioner if so files an appeal within a period of two weeks along with interim application for stay of the order dated 8/09/2021, it is directed that till the appeal or interim application is heard, there shall be stay of order dated 8/09/2021 and status quo as exists today shall be maintained till then.
5. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE