

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4130 of 2021

- Ujala Women Self Help Group Unchadih Through Secretary Sonamati Parjapati, Aged About 42 Years, Village Unchadih, 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. The Food Inspector Lundra, District Sarguja (Chhattisgarh),

---- Respondents

For Petitioner	:	Mr. Akhilesh Kumar, Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.10.2021

Heard.

1. In the present writ petition, the petitioner was running a Fair Price Shop and the allegations were attributed that in the name of one person namely Manisha Prajapati, two ration cards are prepared, therefore, on this ground the show cause notice was given to the petitioner. Thereafter, the petitioner replied to it but the same was not considered in the backdrop of the factual aspect and the order of cancelation has been passed on 08.09.2021 (Annexure P/4) by the SDO. It is further stated that the ration cards are prepared by the third agency which are not within the control of the petitioner and if two ration cards have been prepared then the petitioner cannot be blamed for it. However, despite this fact, the petitioner fair price shop was canceled on 08.09.2021.
2. Learned counsel for the petitioner submits that the issue of the Fair Price Shop is governed by Chhattisgarh Public Distribution System (Control) Order 2016 (for

short 'Control Order 2016'), the petitioner may be given liberty to challenge the order dated 08.09.2021 (Annexure P/4) 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.

3. Learned State counsel would submit that the petitioner may file the appeal.
4. Considering the fact since the allegations have been made that the order dated 08.09.2021 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 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 08.09.2021.
5. 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 08.09.2021, it is directed that till the appeal or interim application is heard, there shall be stay of the order dated 08.09.2021 and status quo as exists today shall be maintained till then.
6. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge