

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4367 of 2021

Nishad Mahila Swa- Sahayata Samuh Anjora Kha, Through Its President Parvati Bai Nishad, W/o. Tularam Nishad, Aged About 51 Years, R/o House No. 1/1/G, Birejhar, Tehsil And District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Sub Divisional Officer (R), Durg, Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondents

For Petitioner	: Shri Prasoon Agrawal, Advocate.
For the respondents / State	: Ms. Akanksha Jain, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.11.2021

Heard.

1. It is submitted by counsel for the petitioner that the petitioner is a Self Help Group engaged in operation of Fair Price Shop which was allotted to it. Respondent No.2 has passed the impugned order Annexure-P/1 on 18.10.2021, directing suspension of the operation of Fair Price Shop by the petitioner and temporary arrangement was made by handing over of the shop to Gram Panchayat, Anjora. It is further submitted that the petitioner was never given any opportunity of hearing before passing of impugned order. Further, on the date this order was passed, the Bar Association, Durg had held condolence meeting on account of death of some family member of an Advocate because of which, the work was suspended and the advocates were not appearing before the authorities, therefore, proper opportunity was not given to the petitioner

before passing the impugned order. Hence, an appropriate order be passed granting interim relief to the petitioner.

2. Learned State counsel opposes the submissions and submits that the impugned order passed is not final and further, the order passed has taken effect. However, the petitioner has opportunity of being heard before the final order is passed and the proceeding drawn by respondent No.2. Hence, appropriate direction may be issued.
3. Considered on the submissions. Perused the documents filed alongwith the petition. As it appears that the impugned order is an interim order, by which the operation of the Fair Price Shop by the petitioner is being suspended before passing of any final order, therefore, the petitioner has opportunity to make a submission before respondent No.2.
4. With the aforesaid observations, the petition is disposed off at motion stage. Respondent No.2 is directed to dispose off the case initiated against the petitioner after giving proper opportunity of hearing. The case against the petitioner may be disposed off within a time frame of 45 days from today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi