

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 3373 of 2020

Smt. Savita Sahu W/o Shri Kamlesh Sahu Aged About 35 Years President of Kushum Women Self Help Group Pandarbhatatha/Operator of Fair Price Shop of Village Pandarbhatatha -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) Saja, District Bemetara Chhattisgarh
4. Food Inspector Bemetara Block Bemetara District Bemetara Chhattisgarh
5. President of Vaibhav Women Self Group Nari Gram Panchayat Chhitapar Block Bemetara District Bemetara Chhattisgarh --- **Respondents**

25.01.2021	Mr. A.N. Pandey, counsel for the petitioner. Madam Sunita Jain, Govt. Advocate, for the State. Learned counsel for the petitioner submits that the grievance of the petitioner is that against the order of cancellation of Fair Price Shop on 07.10.2020 (Annexure P-4) the petitioner has preferred an appeal under the Chhattisgarh Public Distribution (Control) Order 2016 before the Collector which would be evident from Annexure P-5. The appeal was preferred on 19.11.2020 and in such appeal, the interim application was filed that was not heard. However, in the meanwhile, though the appeal is not heard, but further advertisement dated 07.12.2020 has been made for fresh allotment of Fair Price Shop which the petitioner was earlier running. He would submit that under the circumstances, if fresh allotment of fair price shop is made and in the eventuality, the appeal is allowed, it would lead to multiplicity of proceeding. However, he further submits that as per the instructions, no allotment has been made till date. Learned State Counsel opposes the arguments of the petitioner.	

A perusal of the documents would show that against the cancellation of Fair Price Shop, an appeal has already been preferred and in the meanwhile, the advertisement for fresh allotment has been made, therefore, if at all the appeal is allowed then naturally in such course, the fair price shop would be restored to the petitioner and in the meanwhile, if by advertisement, the fresh allotment is made then it will lead to multiplicity of the proceedings and it would be a mere formality to hear the appeal. Under the circumstances, it is directed that the Collector shall decide the appeal preferred by the petitioner within a further period of 30 days from the date of receipt of this order and if the allotment has not been made to any-one as on date, the respondent shall not act upon the advertisement which has been issued for allotment of Fair Price Shop relating to the petitioner.

With the above direction/observation, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**

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