

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4545 of 2021

- Om Shanti Female Self Help Group (Through Authorized Representative), Village Panchayat Khamarhiya, Development Block Udaypur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh (Through Secretary, Directorate of Food, Civil Supplies and Consumer Protection Department) Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Sub Divisional Officer (Revenue) Udaypur, District Surguja Chhattisgarh

---- Respondents

For Petitioner – Shri Pankaj Singh, Advocate.

For State/respondents – Shri Ravi Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-11-2021

1. Heard on the petition.
2. It is submitted by learned counsel for the petitioner that the petitioner is a self help group which was allotted the fair price shop situated at Village Panchayat Khamahriya by order dated 17-06-2016. The allotment of this fair price shop has been cancelled by respondent No.2 without affording proper opportunity of hearing to the petitioner and also without following the procedure as provided under the law. Therefore, the impugned order is unsustainable.
3. The State counsel representing the respondents opposes the submission and submits that Rule 18 of Chhattisgarh Public Distribution System (Control) Order, 2016 (in short 'the Order, 2016') provides for redressal of such grievance by way of filing appeal against such order to the Collector/Addl. Collector within a period of 30 days from the date of receipt of the order. Therefore, there being statutory remedy available, this petition is not maintainable.
4. Considered on the submissions.

5. After perusing the impugned order and the other documents present in the record and also Rule 18 of the Order, 2016, this petition is disposed off at motion stage. The petitioner is granted liberty to file appeal before the appellate authority as provided under Rule 18 of the Order, 2016 within a period of 30 days from today. It is also ordered that the status quo as present today shall be maintained until the period of 30 days.

Sd/-

(Rajendra Chandra Singh Samant)
Judge