

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5364 of 2021**

1. Smt. Leela Bai Sahu W/o Shri Khem Ram Sahu, Aged About 30 Years
R/o Village Bahinga, District Bemetara (Chhattisgarh),

President Of Jay Maa Karma Mahila Swa-Sahayata Samooch Bahinga, (Government Fair Price Shop Village Panchayat Bahinga)
Block Bemetara, District Bemetara (Chhattisgarh)
2. Bhuneshwar Gan Seller Jay Maa Karma Mahila Swa-Sahayata Samooch Bahinga, (Government Fair Price Shop Village Panchayat Bahinga), Block Bemetara, District Bemetara (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Collector (Food Department) Bemetara, District Bemetara (Chhattisgarh)
3. Sub Divisional Officer (Food Department), Saja, District Bemetara (Chhattisgarh)
4. Assistant Food Officer, Bemetara (Food Inspector), Berla, District Bemetara (Chhattisgarh)
5. Amarchand Gayakwad S/o Shatruhan, Aged About 32 Years R/o Village Karhi, Tahsil And District Bemetara (Chhattisgarh)
6. Nain Das Banjare Aged About 45 Years R/o Village Karhi, Tahsil And District Bemetara (Chhattisgarh)
7. Dumeshwar Gendre Aged About 33 Years R/o Village Karhi, Tahsil And District Bemetara (Chhattisgarh)
8. Resham Gendre Aged About 50 Years R/o Village Karhi, Tahsil And District Bemetara (Chhattisgarh)

----Respondents

For Petitioners	:	Mr. Punit Ruparel, Advocate
For State	:	Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Mr. Justice P. Sam Koshy**Order on Board**

21/12/2021

1. The petitioners seem to be aggrieved of the complaints made by the respondents No.5 to 8 against the petitioners' operation of a fair price shop dated 22.11.2021.
2. The ground of challenge is that the respondents No.5 to 8 have been repeatedly making complaints against the petitioners every now and then and each time the petitioners are being subjected to inquiry and inspection. It is the further contention of the petitioners that as regards the earlier complaint which was lodged by the respondents No.5 to 8, the State Authorities have already conducted an inspection and action was taken and the said matter is presently subjudice before the Collector, District Bemetara.
3. Pending the said dispute before the Collector, the respondents No.5 to 8 have again filed a complaint on 22.11.2021, whereby the complainant have made against certain irregularities and illegalities in the course of operation of the fair price shop by the petitioners. The contention of the petitioners is that there should be an order of restrain by the Court restraining the respondent No.5 to 8 from making further complaints against the petitioners and the concerned State Authorities also should be directed not to process any complaint made by the respondents No. 5 to 8, which is otherwise leading to unnecessary harassment and humiliation to the petitioners.
4. The State counsel on the other hand submits that the earlier complaints seems to be in respect of certain irregularities and illegalities earlier committed by the petitioners, whereas the present complaint Annexure P/10 under challenge in the present writ petition

refers to the subsequent irregularities, which is being detected in the course of the operation of the fair price shop by the petitioners, therefore the two issues are entirely different and if at all if the respondents No.5 to 8 have made a complaint that by itself should not mean that there is an adverse action against the petitioners.

5. Learned counsel for the State submits that till date the respondents have not initiated any proceedings against the petitioners on the basis of Annexure P/10. The matter is still under consideration before the State Authorities, the same shall be processed and considered purely in accordance with the rules and regulations governing the field and the petitioners need not apprehend any adverse and detrimental action against them without being given an opportunity of hearing.
6. Given the said facts and circumstances of the case and also considering the statement made by learned State counsel, the writ petition as of now stands disposed of holding that since there is no action contemplated by the respondents as of now, this Court need not delve into the aspects raised by the petitioner as of now. If at all if there is a complaint received by the respondents-State Authorities, it is expected of the State Authorities to act strictly in accordance with the rules and regulations governing the field and in the course of taking an appropriate decision, the principles of natural justice would also be born in mind and would be followed.
7. Given the facts and circumstances of the case the writ petition with the aforesaid liberty, stands disposed of.

Sd/-
(P. Sam Koshy)
Judge