CGHC010158652022 2026:CGHC:43547

RAGHVENDRA JAT Digitally signed by RAGHVENDRA JAT

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2260 of 2022

1 - Sau Gaon Mahajan Mukti Swayam Sahayata Samuh Through- The President, Dhanpatiya, W/o Kashthuram, Aged About 60 Years, R/o Village Dakwa, Post Baghima, Police Station Bariyo, District - Balrampur- Ramanujganj (C.G.), District : Balrampur, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through- Secretary, Food, Civil Supplies And Consumer Protection Department, Mantralaya, Raipur, District - Raipur (C.G.), District : Raipur, Chhattisgarh

2 - Director Chhattisgarh Public Distribution And Consumer Protection Department, Atal Nagar, Raipur, District : Raipur, Chhattisgarh

3 - Collector District Balrampur-Ramanujganj (C.G.), District : Balrampur, Chhattisgarh

4 - Food Officer District Balrampur-Ramanujganj (C.G.), District : Balrampur, Chhattisgarh

5 - M/s Shyamji Agency Kerosene, Wholesale Dealer, Kharsiya, District - Raigarh (C.G.), District : Raigarh, Chhattisgarh

6 - M/s Shri Subhash Jaiswal Kerosene Wholesale Dealer, Ramanujganj, District - Balrampur-Ramanujganj (C.G.), District : Balrampur, Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Mr. Shakti Raj Sinha, Advocate.
For Respondent(s)	:	Mr. Anil Pandey, G.A.
For Respondent No. 6	:	Mr. Anil Mourya, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07/10/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

   "10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the present case;
   10.2 That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 25.04.2022 passed by the respondent no. 4.
   10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case."

2. Learned counsel for the petitioner submits that the petitioner is a Self-Help Group and, pursuant to the orders and directions issued by the competent authority, is engaged in supplying kerosene oil to 51 Government Fair Price Shops situated within its territorial jurisdiction. It is submitted that, on 25.04.2022, a complaint was

lodged against the petitioner by the concerned kerosene oil dealer alleging that, when the tanker carrying kerosene oil reached the petitioner's place of business, the petitioner refused to receive the kerosene oil on the ground that it did not have sufficient funds. On the same day, respondent No. 4 issued a letter in the name of respondent No. 5 directing that kerosene oil be supplied directly to the aforesaid 51 Government Fair Price Shops at their respective doorsteps. Learned counsel submits that none of the employees or operators of the concerned Fair Price Shops had made any complaint regarding non-supply of kerosene oil to the petitioner-Society within the stipulated time. It is further submitted that, as the Government Fair Price Shops had not lifted the kerosene oil already available with the petitioner-Society, sufficient stock was lying with the Society and, therefore, there was no occasion or necessity for the petitioner to purchase further kerosene oil from respondent No. 5 or to receive the tanker sent by him on 22.04.2022. Learned counsel further submits that the order/action taken by respondent No. 3 was passed without issuing any notice to the petitioner, without calling upon it to submit its reply to the complaint and without affording it any opportunity of hearing. It is, therefore, contended that the impugned action has been taken in violation of the principles of natural justice and is liable to be set aside.

3. Learned State counsel, opposing the submissions advanced by learned counsel for the petitioner, submits that the action was

taken on the basis of the complaint made against the petitioner regarding its failure to lift the kerosene oil supplied through the tanker of respondent No. 5 on 22.04.2022. It is submitted that, considering the failure of the petitioner to receive the requisite quantity of kerosene oil and keeping in view the larger public interest, the Collector took the decision to ensure uninterrupted supply of kerosene oil to the 51 Government Fair Price Shops by directing direct doorstep supply. Learned State counsel submits that the decision was taken in the interest of the public at large and with a view to ensuring regular and uninterrupted availability of kerosene oil through the Government Fair Price Shops. It is further submitted that the communication issued on 24.04.2022 does not suffer from any illegality or infirmity and that no adverse order or penal action has been passed against the petitioner pursuant thereto. Therefore, the writ petition is devoid of merit and is liable to be dismissed.

4. I have heard learned counsel for the parties and having perused the material available on record.

5. Considering the facts and circumstances of the case and further considering the fact that in view of the reply filed by respondent No. 6 stating that he is not willing to continue with the distributorship of kerosene oil, and since the petitioner has not been afforded due opportunity of hearing, the respondent authorities are directed to reconsider the case of the petitioner after granting him due and effective opportunity of hearing.

6. The matter is accordingly remanded to the concerned authority, namely, the Collector, Balrampur-Ramanujganj, to consider and decide the matter afresh in accordance with law. Consequently, the order dated 25.04.2022 passed by respondent No. 4 is hereby quashed, as the petitioner has specifically alleged that he was not afforded an opportunity of hearing before passing the said order. It is further noticed that respondent No. 6, who was interested in obtaining the distributorship after cancellation of the petitioner's distributorship, has now expressed his unwillingness to continue with the supply of kerosene oil. The concerned authority shall, therefore, take into consideration all the aforesaid aspects while reconsidering the matter and shall pass a reasoned and speaking order after affording due and effective opportunity of hearing to the petitioner.

7. The interim order passed by this Court vide order dated 12.05.2022 shall continue to remain in force till the matter is finally considered and decided by the competent authority.

8. The concerned authority is directed to consider and decide the matter afresh, in accordance with law, within a period of 60 days from the date of receipt of a copy of this order.

9. With this observation and direction, the writ petition is **disposed of.**

SD/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat