

02. 29.05.2020

Heard Mr.Anjan Kumar Biswal, learned counsel for the petitioner and Mr.B.R.Behera, learned Additional Standing Counsel for the State opposite parties.

The petitioner has filed this writ petition to quash the letter No.5721 dated 12.03.2020 under Annexure-5 as well as the letter No.545 dated 12.03.2020 under Annexure-6. He further seeks direction to the opposite parties to renew the Fair Price Shop/Dealer/Retailer license of the petitioner for the year 2020-21 after accepting the application along with fees.

Mr. Biswal contended that petitioner is an existing PDS dealer in respect of Ward No.50, Ghata Kula (Netaji Nagar) in the district of Cuttack having FPS Code No.0718P436 and is distributing PDS commodities as per the provisions contained in the Act and Rules framed thereunder. By virtue of the impugned notifications issued in Annexures-5 and 6, now steps are being taken by the Government for appointment of eligible WSHGs as FPS Dealers in place of private FPS units for management of public distribution system in the district. It is further contended that while issuing such notification, opportunity of hearing has not been given, as there is no allegation whatsoever against the present petitioner so as to deprive him to continue as dealer for distribution of PDS commodities. In view of such contention, this Court is of the considered view

that the decision so taken by the State Government in Annexures-5 and 6 for appointment of eligible WSHGs as FPS dealers in place of existing private FPS units, where the petitioner is continuing as a dealer, cannot sustain in the eye of law. Therefore, before removal from dealership of private FPS unit, opportunity of hearing should have been given to the petitioner by the authority, instead of passing a blanket order for removal in order to accommodate the eligible WSHG as FPS dealer. Accordingly, this Court directs that the decision so taken in Annexures-5 and 6 will be given effect to or implemented subject to compliance of principle of natural justice, so far as the petitioner is concerned, and as such, continuance of the petitioner in respect of private FPS unit is dependent on the ultimate outcome of the order to be passed by the Collector-opposite party No.3, which should be in conformity with the provisions of principle of natural justice. Needless to mention that the decision will be taken by the Collector-opposite party No.3 within a period of six weeks from the date of lifting of the lockdown. The writ petition is thus disposed of.

Issue urgent certified copy of the order on proper application.

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K.R. Mohapatra, J.

