

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2854 of 2021

Gram Panchayat Khalpodi, Through Ramkeli, Aged About 35 Years,
S/o Suresh Kumar Painkra, Secretary Gram Panchayat Khalpodi,
Janpad Panchayat Lundra, Tehsil Lundra. District - Sarguja
Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh, Through - The Secretary, Department Of Food And Civil Supplies, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. The Collector Sarguja (Food Branch) District Sarguja Chhattisgarh.
3. The Sub - Divisional Officer Revenue Ambikapur District Sarguja Chhattisgarh.
4. The Food Inspector Ambikapur, District Sarguja Chhattisgarh.

---- Respondent

For petitioner - Shri Akhilesh Kumar, Advocate.
For Respondent/State – Shri Gagan Tiwari, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/07/2021

Heard.

1. Learned counsel for the petitioner would submit that the gram panchayat was running a fair price shop, the Naib Tahsildar on some day inspected the fair price shop and without giving any opportunity of hearing even to produce the document went back with a report. Subsequently, on 23/10/2020 the orders have been passed wherein the petitioner's fair price shop has been cancelled which is Annexure P-1. Learned counsel for the petitioner would submit that the order dated 23/10/2020 was never served to the petitioner it was obtained from the food department. He would submit that even before passing the order dated 23/10/2020 the petitioner was not heard and no opportunity of hearing was given. He would submit that since the issue is governed by Chhattisgarh Public Distribution System (Control) Order, 2016 he may be given liberty to challenge the order of cancellation dated 23/10/2020 by

way of an appeal before the Collector/Additional Collector within a period of two weeks and may be given liberty to file an interim application also. He further submits that appeal of the like nature are pending before the Collector, however no hearing have been given and now the respondents are trying to implement the order dated 23/10/2020 (Annexure P-1) which was passed without giving any opportunity of hearing, therefore the effect of order dated 23/10/2020 (Annexure P-1) be stayed till the appeal is heard.

2. Learned State counsel would submit that the petitioner may file the appeal.
3. Considering the fact since serious allegations have been made that the order dated 23/10/2020 has been passed without giving any opportunity of hearing to the petitioner, the petitioner may file an appeal as prayed under Rule 18 of the Chhattisgarh Public Distribution System (Control) Order, 2016 within a period of two weeks. Thereafter, the Collector shall hear the appeal on its merit after examining the record. The Collector shall also consider as to whether opportunity of hearing was given to the petitioner or not. The petitioner shall also be at liberty to file an interim application for stay of the order dated 23/10/2020.
4. Under the circumstances, the petitioner if so files an appeal within a period of two weeks along with interim application for stay of the order dated 23/10/2020, it is directed that till the appeal or interim application is heard, there shall be stay of order dated 23/10/2020 and status quo as exists today shall be maintained till then.
5. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE