



CGHC010317372026



2026:CGHC:37261

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4287 of 2026

1 - Jai Bhole Khadya Suraksha Poshan Evam Upbhokta Seva Sahakari Samiti Maryadit, Sapnadar Through President Muneshwar Yadav, S/o Shri Kanshi Yadav, Aged About 34 Years, R/o Village - Sapnadar, Tahsil Mainpat District Surguja Chhattisgarh ... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mahanadi Bhawan, Mantralaya, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh

2 - The Collector Office Of The Collectorate (Food Branch), Ambikapur, District Surguja Chhattisgarh

3 - The Sub Divisional Officer (Revenue) Sitapur, District Surguja Chhattisgarh

4 - The Food Inspector Mainpat, District Surguja Chhattisgarh

5 - Through Its President, Gulabi Swayam Sahayata Samuh Bissarpani (I D No. 392008009), Tahsil Mainpat, District Surguja Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Navneet Kumar Yadav, Advocate

For State :- Dr. Saurabh Kumar Pande, Dy. A.G.

For Respondent No. 5:- Mr. Nitesh Sahu, Advocate

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

20.08.2026

1. By way of the present petition, the petitioner-Society has called in question the order dated 06.08.2026 passed by respondent No.3, whereby the allotment/authority of the Fair Price Shop operated by the petitioner-Society has been cancelled, as also the consequential Ishtihar dated 06.08.2026 inviting applications for fresh allotment of the said Fair Price Shop.

2. Following reliefs have been prayed in this petition:-

“10.1 Call for the entire records pertaining to the case of the Petitioner from the Respondent authorities concerned for the kind perusal of this Hon'ble Court.

10.2 Issue an appropriate writ, order or direction, including a writ in the nature of Certiorari, quashing the impugned order dated 06.08.2026 bearing Kramank 1108/A.Vi.A./Khadya/2026 (Annexure P-1), passed by Respondent No. 3, whereby the allotment of the Government Fair Price Shop of Gram Panchayat Sapnadar in favour of the Petitioner Society has been cancelled and the said shop attached to Respondent No. 5, being arbitrary, non-speaking, malafide and violative of Articles 14 and 21 of the Constitution of India.

10.3 Issue an appropriate writ, order or direction, including a writ in the nature of Certiorari, quashing the Ishtihar dated 06.08.2026 VIDE bearing Kramank 1110/A.Vi.A./Khadya/Vachak-3/2026 (Annexure P-2), issued by Respondent No. 3 inviting fresh applications for allotment of the said Fair Price Shop, together with all proceedings taken in pursuance thereof.

10.4 Issue an appropriate writ, order or direction, including a writ in the nature of Mandamus, directing the Respondents to forthwith restore the Government Fair Price Shop of Gram Panchayat Sapnadar, Tahsil Mainpat, District Surguja, to the Petitioner Society along with the ration cards attached thereto, and to permit the Petitioner Society to continue running the said shop in accordance with the order of allotment dated 30.09.2020.

10.5 Issue an appropriate writ, order or direction restraining the Respondents from creating any third-party rights in respect of the said Fair Price Shop during the pendency of the present writ petition.

10.6 Award the costs of the present writ petition in favour of the Petitioner. 10.7 Pass any other order under the facts and circumstances of the case, in the interest of justice.”

3. Learned counsel for the petitioner submits that the impugned order is wholly non-speaking and has been passed without proper consideration of the reply submitted by the petitioner. It is further submitted that the proceedings have been initiated on the basis of e-POS transaction data, which does not establish that the Fair Price Shop remained closed on the days on which no transaction was recorded. It is also submitted that the petitioner has been running the Fair Price Shop for nearly six years and there has been no allegation of diversion, black-marketing, short distribution, adulteration, overcharging or refusal to distribute foodgrains. It is, therefore, contended that cancellation of the allotment is wholly disproportionate and contrary to the principles of natural justice.

4. Learned counsel appearing for the respondents, including learned State counsel, submits that the impugned order has been passed by the competent authority after considering the material available on record and that the petitioner has an efficacious remedy available in accordance with law. It is, therefore, submitted that no interference is called for in the present petition.
5. I have heard learned counsel for the parties and perused the material available on record.
6. From the perusal of the impugned order, it does not transpire that the proceedings against the petitioner for cancellation of the Fair Price Shop have specifically been initiated under the provisions of the Chhattisgarh Public Distribution System (Control) Order, 2016. In the circumstances, this Court is of the view that the matter deserves to be reconsidered by the competent authority in accordance with the applicable provisions of law.
7. Accordingly, without expressing any opinion on the merits of the allegations levelled against the petitioner, the impugned order dated 06.08.2026 is set aside. The competent Sub-Divisional Officer (Revenue) is directed to reconsider the matter and pass an appropriate and reasoned order in accordance with law, after affording due opportunity of hearing to the petitioner and after permitting the petitioner to place such material and evidence as may be permissible in law.

8. It is made clear that this Court has not expressed any opinion as to whether the petitioner is otherwise eligible to continue to run the Fair Price Shop. The competent authority shall examine the matter independently and strictly in accordance with the applicable provisions.
9. Till the proceedings are concluded by the competent Sub-Divisional Officer (Revenue), the Fair Price Shop shall continue to be operated by respondent No.5. The said arrangement shall be subject to the final decision to be taken by the competent authority and shall not create any right or equity in favour of respondent No.5.
10. The petitioner shall be at liberty to approach the competent authority within a period of **10 days** from today. Upon such approach, the competent authority shall endeavour to conclude the proceedings and pass an appropriate order, in accordance with law, preferably within a period of **30 days** thereafter.
11. It is further directed that, if any evidence is required to be taken or any further material is relied upon, due opportunity shall be afforded to the petitioner to meet the same.
12. With the aforesaid directions, the writ petition stands **disposed of**.

Sd/-

(Amitendra Kishore Prasad)
Judge