



2026:CGHC:18750



2026:CGHC:18750

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 370 of 2026

1 - Khushi Women Self Help Group Pendra, Through Its President, Ms. Supriya Mali, R/o Sarkaripara, Purani Basti, Pendra, District Bilaspur, Now District Gaurela Pendra Marwahi, C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mahanadi Bhawan, New Raipur, District- Raipur, C.G.

2 - The Collector (Food Department) Gaurela Pendra Marwahi, District Gaurela Pendra Marwahi, C.G.

3 - The Sub- Divisional Officer (Revenue) Pendra road, District Gaurela Pendra Marwahi, C.G.

4 - The Food Inspector District Gaurela Pendra Marwahi, C.G.

... Respondent(s)

For Petitioner(s)	:	Shri Siddharth Pandey, Advocate.
For State/Res	:	Shri Sabyasachi Choubey, GA.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

23/04/2026

1. This Writ Petition has been filed for the following reliefs:-

10.1 That, this Hon'ble court may kindly be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, quashing and setting aside the impugned order dated 12.11.2025 (Annexure P/1) passed by Respondent No.3, whereby the Fair Price Shop of Ward Nos. 12 and 13, Pendra, operated by the petitioner, has been suspended and attached to Fair Price Shop Ward No. 15.

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ of mandamus directing the respondents to restore the operation of Government Fair Price Shop Ward Nos. 12 and 13, Pendra, to the



petitioner Khushi Women Self Help Group.

10.3 Any other relief or reliefs may also be granted to the petitioner, which this Hon'ble court deems fit, and proper in the facts and circumstances of the case, with the cost of the instant petition.

2. Learned counsel for the petitioner submits that petitioner has challenged the order dated 12.11.2025 (Annexure P/1) issued by SDO (Revenue), Pendra Road, District Gaurela Pendra Marwahi, C.G. whereby the allotment of the Fair Price Shop bearing Ward No.12 & 13 (ID No.641010005) to the petitioner has been suspended and it has been merged into Fair Price Shop Ward No.15 (ID No.401010003).
3. Learned counsel for the petitioner submits that show cause notice dated 06.10.2025 (Annexure P/5) has been issued to the petitioner addressing some irregularities in the functioning of fair price shop. After issuance of such show cause notice, enquiry was conducted behind the back of the petitioner and as such, no opportunity of hearing was provided to the petitioner. He submits that the enquiry report that was taken into consideration while passing the impugned order was never served upon the petitioner which is in clear violation of Rule 16 (3) of the Chhattisgarh Public Distribution System (Control) Order, 2016. He lastly submits that the impugned show -cause notice may be quashed/set aside and the matter may be remitted back to the SDO for consideration afresh after giving due opportunity of hearing to the petitioner to present his side.
4. On the other hand, learned State counsel submit that there were certain irregularities found in the functioning of the fair price shop by the petitioner as such, the impugned show cause notice was issued to which the petitioner replied and SDO (Revenue) has conducted enquiry as per Rule 16 of the Control Order, 2016 and thereafter, impugned suspension order of fair price shop has been



issued.

5. I have heard learned counsel for the parties and perused the documents annexed with the petition.
6. The State of Chhattisgarh has framed the Order, 2016 in exercise of power under Section 3 of the Essential Commodities Act, 1955 and the Chhattisgarh Food and Nutritional Security Act, 2012 named as Chhattisgarh Public Distribution System (Control) Order 2016. Order 16 speaks about penalty. The relevant part is read as under :

"16. Penalty- (1) If shopkeeper contravenes any provision of agreement, then he shall be liable for suspension or cancellation by the officer authorized for allotment of Fair Price shop. The time limit for redressal of such cases shall not exceed three months.

(2) During inspection of the shop, if any irregularity is found, then without prejudice to any action the whole or part of amount deposited by shopkeeper as security, shall be forfeited in favour of the State.

(3) Before cancellation of authority letter of Fair Price Shop or forfeiture of whole or part of security, Food Controller or Food Officer of district or Sub- Divisional Officer of sub- division shall issue show cause notice to Fair Price Shopkeeper and after giving an appropriate opportunity of being heard shall decide within a period of a month from issuance of show cause notice."

7. Reading of the aforesaid rule would show that before cancellation of the authority letter of the fair price shop or forfeiture of whole or in part of security, the fair price shopkeeper shall be given an appropriate opportunity of being heard after issuance of show cause notice.
8. In the instant case, though a show cause notice was issued to the petitioner, immediately, thereafter, the allotment of the Fair Price Shop of the petitioner was placed under suspension by the Sub-Divisional Officer(Revenue), Pendra Road District-Gaurela Pendra Marwahi (C.G.), even inquiry report was not supplied to



the petitioner.

9. In the matter of **Smt. Mamta Devi v. State of Chhattisgarh & others, WP(C) No.1903 of 2020, decided on 21.01.2021**, this Court has categorically held that after issuance of a show-cause notice, the fair price shopkeeper must be given an opportunity of being heard, therefore, the procedure adopted by the Sub Divisional Officer (Revenue) was erroneous and contrary to the provisions contained in Rule 16(3) of the Order 2016.
10. Reverting to the facts of the present case, by the impugned order, the SDO Revenue has suspended the allotment of fair price shop of the petitioner on account of certain irregularities. However, after issuance of show cause notice, nothing suggests that the petitioner was allowed to present his side so as to meet the allegations levelled against him, which is in clear contravention of Rule 16 (3) of the Order 2016.
11. Taking into consideration the factual situation, the impugned order dated 12.11.2025 (Annexure P/1) is quashed/set aside and the petitioner is directed to approach the SDO concerned in this regard who shall consider the matter afresh in light of Control Order 2016 on its own merits after giving due opportunity of hearing to the petitioner and shall pass appropriate order in accordance with law within 90 days from the date of receipt of copy of this order.
12. The petitioner will be at liberty to lead evidence in the proceedings before the SDO.
13. With the aforesaid direction, this Writ Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge