



2026:CGHC:1011



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 703 of 2019

1 - Satish Chand Minj S/o Late G.V. Minj Aged About 49 Years Authorized Officer Gramin Sahkari Upbhokta Bhandar Maryadit Vijay Nagar Block Ram Chandarpur District Balrampur Chhattisgarh Senior Cooperative Inspector Posted As Office Assistant Registrar Cooperative Society Balrampur. R/o Village Vijaynagar, Police Station And Tahsil Ramanujanj District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

2 - B.D. Lal Gupta S/o Raj Kumar Gupta Aged About 47 Years Manager Gramin Sahkari Upbhokta Bhandar Maryadit Vijay Nagar Block Ram Chandarpur District Balrampur Chhattisgarh. R/o Village Vijaynagar, Police Station And Tahsil Ramanujanj District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

... Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary, Food Civil Supply And Consumer Protection Department Mantralaya, Mahanadi Bhawan Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Collector Balrampur, District Balrampur, District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

3 - Additional Collector Ramanujanj District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

4 - Sub Divisional Officer (Revenue) Ramanujanj, District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

5 - Director Upbhokta Bhandar Chumra Village Panchayat Chumra Block Ramanujanj District Balrampur Ramanujanj, Chhattisgarh., District : Balrampur,



Chhattisgarh

6 - Food Inspector Ramanujanj District Balrampur - Ramanujanj Chhattisgarh.,
District : Balrampur, Chhattisgarh

7 - Sanjay Gupta Ex Manager Gramin Sahkari Upbhokta Bhandar Maryadit Vijay
Nagar R/o Vijay Nagar Tahsil Ramanujanj District Balrampur Ramanujanj
Chhattisgarh., District : Balrampur, Chhattisgarh

... Respondents

For Petitioners : Mr. Vikash Pandey, Advocate appears on behalf of Mr.
V.K. Pandey, Advocate.

For Respondents No. 1 : Ms. Shailja Shukla, Govt. Advocate.
to 4 & 6

Respondents No. 5 & 7 : Mr. A.S. Kachhwaha, Advocate.

{Hon'ble Mr. Justice Sachin Singh Rajput}

Order on Board

07/01/2026

1. Challenge in this petition is to the order dated 25.01.2019 passed by Upper Collector, Ramanujanj, District Balrampur-Ramanujanj (C.G.) in Food Appeal Case No. 163 / B-121/2017-2018 whereby order dated 24.08.2018 passed by Sub Divisional Officer (Revenue), Ramanujanj in Order No. 1514 / Food / A.V.A./2018 cancelling the Fair Price Shop allotted to Gramin Sahkari Upbhokta Bhandar Society, Vijaynagar, Tahsil Ramanujanj, District Balrampur-Ramanujanj (C.G.), was dismissed.

2. Learned counsel appearing for the petitioner submits that a Fair Price Shop was allotted to petitioners - Gramin Sahkari Upbhokta Bhandar Maryadit, Vijaynagar (henceforth, "Society") bearing registration No. 2049 by the Sub Divisional Officer (Revenue), Ramanujanj vide order dated 15.04.2005, which was run without any stigma or complaint. It is submitted



that though some complaint was made and in pursuance thereof, an enquiry was conducted and a show-cause notice was issued to the Society, which was duly replied, however, the same was not found satisfactory, therefore, vide order dated 24.08.2018 (Annexure P-5), allotment of Fair Price Shop in favour of the Society was cancelled. That was subject to challenge under Rule 18 (1) of Chhattisgarh Public Distribution System (Control) Order, 2016 before Collector, Ramanujganj, District Balrampur-Ramanujganj. Initially, vide order dated 14.9.2018, stay order was granted in favour of petitioners-Society by Upper Collector, Ramanujganj, District Balrampur-Ramanujganj, respondent No. 3 herein. However, by the impugned order dated 25.01.2019, appeal filed by the petitioners-Society has been dismissed. He submits that the petitioners were not granted proper opportunity of hearing before issuance of cancellation of the allotment of Fair Price Shop and the said enquiry was conducted by the Food Inspector, Ramanunjanj behind the back of the petitioners-Society, as such, the impugned order is liable to be set aside.

3. Per contra, learned counsel for the respondents No. 1 to 4 & 6 while opposing the submissions made by counsel for the petitioner would submit that allotment of Fair Price Shop was made in favour of petitioners-Society. She submits that certain complaints were made with regard of aforesaid Society, therefore, the enquiry was conducted and show-cause notice was also issued to the petitioners-Society and the reply was not found satisfactory, thus, impugned order of cancellation of Fair Price Shop has been passed. She submits that before passing the impugned order of cancellation of allotment of Fair Price Shop, office order dated 06.02.2018 was issued from Assistant Registrar, Cooperative Society, Balrampur, District Balrampur, in which, it has been observed that election of new Board of Directors of the



Organization has not been taken place and tenure of the said Committee is come to an end, therefore, petitioner No. 1 - Mr. Satish Chandra Minj was appointed as Authorized Officer for functioning of the said Society. She submits that the petitioner No. 1- Satish Chandra Minj is not having any authority to challenge the order of cancellation of allotment of Fair Price Shop, as he is only the authorized officer to look after the affairs of the said Society, till further order is passed, therefore, the writ petition is liable to be dismissed. Lastly, she submits that vide clause 18(2) of Chhattisgarh Public Distribution System (Control) Order, 2016, there is a provision of statutory appeal against the order of Collector to the State Government and therefore there being appropriate alternative remedy available to the petitioners under the law.

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

5. From the perusal of the record, it appears that vide order dated 15.04.2005 (Annexure P-4) passed by Sub Divisional Officer (Revenue), Ramanujganj, District Sarguja, Fair Price shop was allotted to the petitioners-Society namely Gramin Sahkari Upbhokta Bhandar Maryadit, Vijaynagar and subsequently vide order dated 24.08.2018, allotment of said Fair Price Shop was cancelled.

6. It also appears from the perusal of Annexure R-1 that the documents filed alongwith the return clearly indicates that election of new Board of Directors of the Organization has not been taken place and tenure of the Society is come to an end and new election has not been taken place, hence, due to non-completion of the election of the Committee before the expiry of the term specified in sub-section 7-A/a) of Section 49 of the Chhattisgarh



Cooperative Societies Act, 1960, the posts of the committee members will be deemed to have automatically become vacant. Therefore, in exercising the powers of the Registrar conferred by the notification No. 6 of 2013 dated 13.12.2013, Assistant Registrar, Cooperative Societies, Balarnapur, District Balrampur, as per the provisions contained in Section 49 (8)(2) of the Chhattisgarh Cooperative Societies Act, 1960, appointed petitioner No. 1 - Satish Chand Minj, Senior Cooperative Inspector as the authorized Officer for the function of the alleged Society bearing registration No. 2049

7. From the perusal of the documents appended with the writ petition as well as in the return filed by the State, it is quite clear that the petitioner was only appointed as Assistant Registrar of smooth function of the said Society. Thus, he being the employee of the State Government cannot challenged order of cancellation of allotment of Fair Price Shop by the State Government.

8. As a fallout and consequences of the aforesaid discussion, the writ petition, being devoid of substance, is liable to be and is hereby dismissed.

9. In view of above, interim relief granted earlier, shall stand vacated.

Sd/-

(Sachin Singh Rajput)

JUDGE