

प्रश्न सं. [क. 2556]

परिशिष्ट

विधान सभा अतारंकित प्रश्न क्रमांक 2556 द्वारा श्री राजेश कुमार शुक्ला माननीय सदस्य

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 17905 of 2022

(BRAJ RING PRATHIMA S HIA (RI UPHOKTA BHINDAR SYDT OHOO (RA DISTRICT CHHATARPUR M.P.
VS THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 23-09-2022

Shri Anil Lal, learned counsel for the petitioner.

Shri Lali Joglekar, learned Government Advocate, for the respondents/State.

Heard on the question of interim relief.

Learned counsel for the petitioner contended that *inspite of several opportunities granted to the respondents, the reply has not been filed. Earlier when the case was listed on 04.08.2022 it was the understanding that the interim relief shall be considered after the reply is filed. But since no reply is filed, he prays for considering the interim relief.*

By the instant petition, the petitioner is challenging the impugned orders dated 31.01.2022 (Annexure P-9) and 14.07.2022 (Annexure P-10); whereby the Collector has referred the matter back to the Sub-Divisional Officer to decide the case of petitioner against the order of suspension of fair price shop.

Learned counsel further submitted that even after several rounds of litigation, the competent authorities are not acting bonafidely and are passing the orders in mechanical manner without appreciating the facts and law.

Learned counsel for petitioner submits that the power of suspension of fair price shop has been exercised by the authority as per the provisions of Madhya Pradesh Public Distribution System (Control) Order, 2015 (hereinafter referred to as "Control Order, 2015"); wherein Clause 16 deals with the punishment and penalty under which Sub-clause (3) of the Clause 16 deals with

the present case. Thereafter, the shop has been suspended on 28.01.2021. He further submits that as per provisions of Control Order, 2015, the shop cannot be placed under suspension for an indefinite period and, therefore, Clause 16 deals with the procedure as to in what manner the authority has to proceed, if any action is required to be taken against the fair price shop. He submits that in the existing circumstances, the order of suspension of shop is not sustainable and is liable to be set aside.

On 04.08.2022 and 03.09.2022, learned counsel for the respondents/State was granted opportunity to seek instructions and to file reply/to apprise this Court.

Under such circumstances, in view of the provisions of Control Order, 2015, the Collector, ought to have decided the appeal on merits instead of remanding back to the Sub-Divisional Officer.


In view of the aforesaid, the impugned orders dated 31.01.2022 (Annexure P-9) and 14.07.2022 (Annexure P-10) shall remain stayed till the next date of hearing.

The learned counsel for respondents prays for and is granted four weeks time to file reply.

List this case after 4 weeks.

(S. A. DHARMADHIKARI)
JUDGE

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S. A. धर्मधिकारी
असमप्रदेश शासन,
आद्य, नागरिक आपूर्ति एवं
ग्रामोक्त मंत्रालय