



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (CIVIL) NO. 2262 OF 2023

1. Shaskiya Uchit Mulya Dukan, Sari, through: Salesman, Gurmukh Das Patil, S/o Bhajan Das, aged about 35 years, R/o Village Chhirbandha, Tahsil Kawardha, District Kabirdham (C.G.)

... **Petitioner(s)**

Versus

1. State of Chhattisgarh, through: Secretary, Department of Food & Civil Supplies Corporation, Secretariat, Mahanadi Bhawan, Capitol Complex, Nava Raipur, Atal Nagar, Raipur (C.G.)

2. Collector, District Kabirdham (C.G.)

3. Food Officer, District Kabirdham (C.G.)

4. Sub-Divisional Officer (Revenue), Sahaspur-Lohara, District Kabirdham (C.G.)

... **Respondent(s)**

For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For Respondents	:	Mr. Pawan Kesharwani, P.L. Mr. Ashutosh Mishra, P.L. Mr. Aditya Bharadwaj, P.L. Mr. Aditya Tiwari, P.L. Ms. Sameeksha Gupta, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

[11/05/2023]

1. Challenge in the present Writ Petition is to the Memo dated 17.3.2023 issued by Respondent No.4 against the Petitioner, ordering as to why the recovery of Rs.6,91,300/- be not made from the Petitioner which is the amount in respect of the balance of food grains received by the Petitioner establishment till September 2022.

2. Learned Counsel for Petitioner submits that the grievance of the Petitioner is that the impugned Memo has been issued on the basis of the data which is available online, whereas things would have been different if physical verification would have been done by the Respondent authorities before initiating recovery proceeding. According to learned Counsel for Petitioner, the amount of Rs.6,91,300/-, alleged to be recovered from the





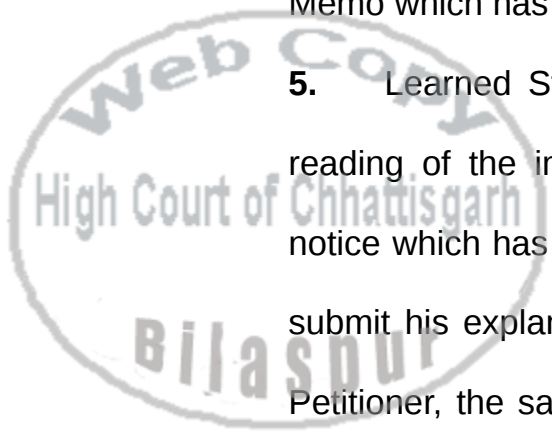
Petitioner, is an exorbitant amount and it does not match with the entries made in the registers maintained by the Petitioner establishment.

3. Learned Counsel for Petitioner further submits that the State Government has itself time to time issued circulars and guidelines which would be applicable for the purpose of the inspection and for the procedure of distribution to be made. That, the Petitioner has strictly abided by and distributed the food-grains, in terms of the circulars that were applicable at the relevant point of time.

4. Learned Counsel for Petitioner also submits that even in the Writ Petition one of the prayer is that, let appropriate physical verification be done by the Respondent authorities before insisting upon the recovery Memo which has been issued and is under challenge in the Writ Petition.

5. Learned State Counsel, on the other hand, submits that the plain reading of the impugned Memo would reveal that it is only a tentative notice which has been issued. That the Petitioner has been called upon to submit his explanation and reply and whatever would be the reply of the Petitioner, the same would be duly considered and thereafter appropriate order would be passed. Therefore, the Petitioner should not have any apprehension as on date.

6. Be that as it may, considering the fact that the grievance of the Petitioner substantively being that of the impugned Memo having been issued without conducting any physical verification and having been issued only on the basis of the data available on the online platform, this Court is of the opinion that the entire issue itself can be redressed, if, as of now, the impugned Memo is kept in abeyance and the Respondent authorities are directed to conduct a thorough physical verification of the entire records and match the same with the entries available online and only thereafter appropriate decision is taken. While physical verification, the Respondent





authorities should keep in mind the circulars/guidelines issued by the State Government from time to time that were prevailing at the relevant point of time, in respect of distribution of the food grains received by the Petitioner establishment. Till then, the Respondent authorities shall keep the impugned Memo in abeyance.

7. It is made clear that the Respondents would be free to take a decision strictly on the facts and figures that are received on the physical verification.

8. With aforesaid direction/observation, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

sharad

