



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

Writ Petition (Civil) No. 2793 of 2023

1. Vikash Gupta, S/o Ashok Gupta, aged about 32 years, Salesman of Fair Price Shop of Village- Vijaynagar, I.D. No.392017067, R/o Village Vijaynagar, Tahsil Ramchandrapur, District Balrampur- Ramanaujganj (C.G.)

... Petitioner(s)

versus

1. State of Chhattisgarh, through: the Secretary, Department of Food & Civil Supplies, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.

2. The, Collector (Food Department), Balrampur, District Balrampur-Ramanaujganj, Chhattisgarh.

3. The Sub Divisional Officer (Revenue), Ramanaujganj, District Balrampur-Ramanaujganj, Chhattisgarh.

4. The Tahsildar, Ramchandrapur, District Balrampur-Ramanaujganj, Chhattisgarh.

5. Food Inspector, Ramchandrapur, District Balrampur-Ramanaujganj, Chhattisgarh.

... Respondent(s)

23/06/2023	Mr. A.N. Pandey, Advocate, for Petitioner. Mr. Pawan Kesharwani, Mr. Aditya Tiwari and Ms. Sameeksha Gupta, Panel Lawyers for Respondent-State, on advance copy. Heard on Admission as well as on I.A. No.1 (Application for Interim Relief). The Writ Petition is admitted for hearing. Since the State Counsel accepts Notice on behalf of all the Respondents, issuance of Notice stands dispensed with. Learned Counsel for Petitioner submits that before passing of the impugned Order of recovery, no fair and reasonable opportunity has been provided to the Petitioner and no particular Preliminary Enquiry also has been conducted while passing the said Order. The State Counsel, in spite of sufficient time being granted, is not in a position as on date to show whether the opportunity of hearing was granted to the Petitioner before passing of the impugned Order, or not. The State Counsel at this juncture prays for time to file reply and also to submit certain document in this regard. As prayed for, four weeks' time is granted to the State to file reply.
-------------------	---



Meanwhile, purely as an interim measure, considering the specific submission made by learned Counsel for Petitioner that there has been no opportunity of hearing given to the Petitioner before the impugned Order was passed and neither a Preliminary Enquiry ascertaining the liability upon the Petitioner in particular has been conducted, prima facie, a strong case for grant of interim relief has been made out.

Accordingly, it is ordered that till the next date of hearing there shall be stay on any recovery proceeding which the Respondents intend to initiate against the Petitioner.

List this case for hearing along with W.P.(C) No.2237/2023.

Sd/-
(P. Sam Koshy)
JUDGE