



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE G.S. AHLUWALIA**

**ON THE 20<sup>th</sup> OF SEPTEMBER, 2024**

**WRIT PETITION No. 27811 of 2024**

***MOHM. ANISH ANSARI***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

.....  
**Appearance:**

***Shri Raja Bhaiya Tiwari – Advocate for the petitioner.***

***Shri Gajendra Parashar – Panel Lawyer for the respondents/State.***

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**ORDER**

This petition under Article 226 of Constitution of India has been filed seeking following relief(s):-

- I. Issue a writ in nature of certiorari to quash the impugned order dated 25.04.2023 (Annexure P/5) issued by respondent No.3 and order dated 05.08.2024 (Annexure P/6) issued by respondent No.2, in the interest of justice.
- II. Issue a writ in nature of mandamus restraining the respondents from forfeiting the security amount and also from recovering the amount of Rs.1,77,749/- from the petitioner, in the interest of justice.
- III. Issue a writ in nature of mandamus directing the respondents to not take taking any action against the petitioner in future, in the interest of justice.
- IV. Issue any other writ, order or direction as this Hon'ble Court deem fit.

2. It is submitted by counsel for petitioner that the order dated 25/04/2023 passed by Sub Divisional Officer (Revenue) Chhindwara



and order dated 05/08/2024 passed by Collector, Chhindwara in case No.02/2023 and case No.31/Appeal/2014-15 respectively have been passed in utter violation of principle of natural justice.

**3.** By referring to show cause notice dated 02/03/2023, it is submitted by counsel for petitioner that SDO (Revenue), Chhindwara has issued a show cause notice on the basis of report dated 01/03/2023 which was based on the physical verification of the Government Fair Price Shop Thawriteka Code 3608107. As per the show cause notice it was observed that although the finger prints of the beneficiaries were taken on POS machine on 13<sup>th</sup> & 15<sup>th</sup> February, 2023 but ration was not distributed. Wheat was not being distributed for last 5-6 months. As per the AePDS Portal, online stock of Wheat was found to be 845 Kg, Rice 9234 Kg, Moong Pulse 95 Kg. Whereas on physical verification, 2000 Kg of Wheat, 3950 Kg Rice, 450Kg Salt, 50 Kg Sugar, 0 Kg Moong Pulse was found. Whereas 1155 Kg of Wheat, 450 Kg of Salt, 50 Kg of Sugar was found in excess and 5284 Kg of Rice and 95 Kg of Moong Pulse was found short. Accordingly, a show cause notice was issued on 02/03/2023 directing the petitioner to explain as to why the security amount may not be forfeited, why the license to run the Fair Price Shop be not cancelled, why action may not be taken against him for his removal, why a penalty may not be imposed and why the price of food grains which were found less be not recovered.

**4.** It is submitted that on 02/03/2023 itself, SDO (Revenue) Chhindwara issued the order of suspension of shop. Although petitioner filed his reply but without considering the defence raised by petitioner, SDO (Revenue) Chhindwara by order dated 25/04/2023 directed for cancellation of license to run the Fair Price Shop Thawriteka Code



3608107 and also for recovery of Rs.1,77,749/- inclusive of security amount of Rs.5,000/- as well as cost of the food grains.

**5.** Being aggrieved by the said order, petitioner preferred an Appeal which too has been dismissed by order dated 05/08/2024 passed by Collector, Chhindwara in case No.31/Appeal/2024-2025.

**6.** It was repeatedly submitted by counsel for petitioner that once the show cause notice was issued on 02/03/2023, then the order of suspension should not have been issued on 02/03/2023 itself.

**7.** Heard learned counsel for the petitioner.

**8.** License to run the Fair Price Shop can be suspended under Clause 16(1) of Madhya Pradesh Public Distribution System (Control) Order, 2015 (in short 'Control Order, 2015'). No show cause notice is required for passing an order of suspension under Clause 16(1) of Control Order, 2015. A show cause notice is required only when the suspension order is issued under Clause 16(3) of Control Order, 2015.

**9.** So far as the termination of license to run Fair Price Shop is concerned, except submitting that the respondents have not considered the defence taken by petitioner, nothing was pointed out that which defence of the petitioner would have an affirmative effect on the defence of the petitioner. What was the relevancy of the ground raised by petitioner has also not been clarified.

**10.** Under these circumstances, this Court is of considered opinion that when a lot of discrepancies were found in the stock coupled with the fact that excessive stocks were also found which clearly means that although on POS machine thumb impressions of the beneficiaries were obtained but it was not actually distributed. It is clear that excessive stock was kept for black marketing only.



**11.** Under these circumstances, this Court is of considered opinion that no case is made out warranting interference.

**12.** Petition fails and is hereby **dismissed**.

**(G.S. AHLUWALIA)**  
**JUDGE**

S.M.