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HIGH COURT OF CHHATTISGARH AT BILASPUR

**WPC No. 2135 of 2023**

- Laxmi Bai Maa Bamleshwari Mahila Swasahayata Samooh Bhagwantola Through Its President Smt. Uttara Kumari, W/o Bisesar, Aged About 53years, R/o House No. 72, Village Bhagwantola, Post Office And Tahsil Ambagarh Chowki, District Mohla Manpur - Ambagarh Chowki Chhattisgarh.

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supply Corporation, Secretariat, Mahanadi Bhawan, Capitol Complex, Nava Riipur Atal Nagar, Raipur Chhattisgarh.
2. Director Food And Civil Supplies Corporation, Block-2, Third Floor, Indravati Bhawan, Atal Nagar, Nava Raipur Chhattisgarh.
3. Collector District Mohla -Manpur -Ambagarh Chowki Chhattisgarh.
4. Food Officer, District Mohal Manpur Ambagarh Chowki Chhattisgarh
5. Sub Divisional Officer, (Revenue) Mohla, District Mohal Manpur Ambagarh Chowki Chhattisgarh.

---- **Respondents**

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For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For resp./State	:	Ms. Sameeksha Gupta, P.L.

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order on Board**

**08/05/2023**

1. Challenge in the present Writ Petition is to the Memo dated 20.03.2023 issued by Sub Divisional Officer (Revenue) against the Petitioner, ordering as to why the recovery of Rs. 3,03,236/- 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



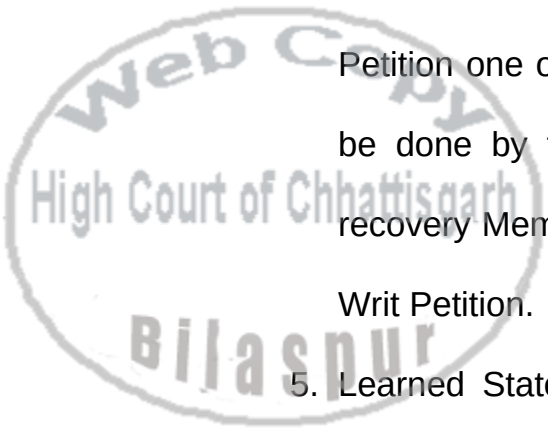
Respondent authorities before initiating recovery proceeding. According to learned Counsel for Petitioner, the aforementioned amount, alleged to be recovered from the Petitioner, is an exorbitant amount and it does not match with the entries made in the registers maintained by the Petitioner establishment.

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

*Jyoti*

