



2026:CGHC:18489

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2938 of 2025

1 - Jai Maa Saraswati Mahila Swa Sahayata Samooh Ward No. 16, Village Parsada, Durg Chhattisgarh Through Its President, Leela Sahu, W/o Den Kumar Sahu, Aged About 35 Years, R/o Village Parsada, Kumhari, Tahsil - Bhilai-3, P.S. Kumhari, District - Durg Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Women And Child Development, Mahanadi Bhawan Mantralaya, Nawa Raipur, Atal Nagar, District - Raipur Chhattisgarh

2 - Collector Durg, District Durg Chhattisgarh

3 - Food Controller Office Of Collector (Food Branch), District Durg Chhattisgarh

4 - Naveen Prathmik Sahkari Upbhokta Bhandar Shop I.D. No. 431006002 Through Its Manager, Naveen Prathmik Sahkari Upbhokta Bhandar, Parsada, District - Durg Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Chandresh Shrivastava, Advocate

For State :- Mr. Anand Dadariya, Dy. A.G.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

22.04.2026



1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has challenged the order dated 06.06.2025 passed by Respondent No. 3, whereby the fair price shop allotted to the petitioner has been attached to the shop of Respondent No. 4 on the allegation of irregularities, without affording proper opportunity of hearing and without following the procedure prescribed under law.
2. Facts of the case are that the petitioner is a registered women self-help group engaged in running a fair price shop under the provisions of the Chhattisgarh Public Distribution System (Control) Order, 2016. It is the case of the petitioner that the shop was allotted to it vide order dated 29.01.2021 and was being run in accordance with the prescribed norms and guidelines without any complaint. It is further submitted that certain complaints were made against the petitioner and a show cause notice dated 03.04.2025 was issued, to which the petitioner submitted a detailed reply denying the allegations. However, without properly considering the reply and without conducting any fair enquiry, the impugned order dated 06.06.2025 has been passed attaching the petitioner's shop with that of Respondent No. 4.
3. Following reliefs have been prayed by way of this petition:-



“10.1. The Hon'ble Court may kindly be pleased to call for the entire record pertaining to the case of the petitioner.

10.2. The Hon'ble Court may kindly be pleased to quash the impugned order date 06/06/2025 (Annexure P-1).

10.3. The Hon'ble Court may kindly be pleased to direct the respondent authorities to allow the petitioner to continue to run the fair price shop allotted to them.

10.4. Any other relief, which this Hon'ble Court may deems fit and proper may also be awarded to the petitioner including the cost of the petition,”

4. Learned counsel for the petitioner submits that the impugned order is arbitrary, illegal and in violation of the principles of natural justice. It is contended that no proper opportunity of hearing was granted before passing the order. It is further submitted that though an alternative remedy is available under the provisions of the Control Order, 2016, the petitioner has approached this Court on account of illegality in the action of the respondents.
5. Learned State counsel submits that an efficacious alternative remedy is available to the petitioner under the Chhattisgarh Public Distribution System (Control) Order, 2016, and the petitioner ought to have approached the competent authority, namely the concerned Sub-Divisional Officer, for redressal of his grievance. It



is further submitted that proceedings have already been initiated before the competent authority and, as per instructions, the shop of the petitioner has since been reinstated; however, due to pendency of the present petition, further orders, including suspension, have been passed.

6. I have heard learned counsel for the parties and perused the material available on record.
7. Considering the submissions advanced by learned counsel for the parties, this Court is of the opinion that the dispute raised in the present petition pertains to issues which can appropriately be adjudicated by the competent authority under the provisions of the Control Order, 2016. It is well settled that when an efficacious alternative remedy is available, this Court would ordinarily refrain from exercising jurisdiction under Article 226 of the Constitution of India.
8. In the facts of the present case, since the competent authority has already initiated proceedings, it would be appropriate to relegate the petitioner to avail the statutory remedy available under law.
9. Accordingly, the present writ petition is **disposed of** with liberty to the petitioner to approach the concerned competent authority for redressal of his grievance in accordance with the provisions of the Chhattisgarh Public Distribution System (Control) Order, 2016. It is expected that if such proceedings are initiated/are pending, the



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competent authority shall consider and decide the same
expeditiously, strictly in accordance with law.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha