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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4501 of 2022

Sagar Women Self Help Group Kapua Through President Smt. Nirmala W/o Shri Mansa Ram Aged About 55 Years President Of Sagar Women Self Help Group Kapua R/o Village - Kapua, Block - Pathariya District Mungeli Chhattisgarh.

... **Petitioner**

versus

1 - State Of Chhattisgarh Through - The Secretary, Department Of Food And Civil Supply Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.

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

3 - The Sub-Divisional Officer (Revenue) Pathariya District Mungeli Chhattisgarh.

4 - The Food Inspector, Pathariya District Mungeli Chhattisgarh.

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	: Mr. A.N. Pandey, Advocate
For State/Respondents	: Dr. Arham Siddiqui, Panel Lawyer
For Respective intervenors	: Mr. Bharat Rajput, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

21.07.2026

- By filing the present writ petition under Article 226 of the Constitution of India, the petitioner has called in question the legality and validity of the order dated 11.10.2022 (Annexure P/1)

passed by the Sub-Divisional Officer (Revenue), Pathariya, District Mungeli (C.G.), whereby the petitioner has been directed to distribute the essential commodities to the concerned ration card holders at its own cost within fifteen days, failing which the licence of the petitioner's fair price shop shall stand cancelled automatically. The petitioner has prayed for following relief(s) :-

*“10.1 That, this Hon'ble court may kindly be pleased to set aside of impugned order dated 11.10.2022 **ANNEXURE P/1** issued by the respondent no.3.*

10.2 Any other relief or reliefs may also be granted to the petitioner which this Hon'ble court deems fit and proper in the facts and circumstances of the case.”

2. Brief facts of the case are that the petitioner, a registered Self Help Group operating a fair price shop since the year 2013, was subjected to proceedings on the basis of a complaint made by certain ration card holders alleging irregularities in distribution of essential commodities. After conducting an enquiry, the Sub-Divisional Officer (Revenue), Pathariya, District Mungeli (C.G.) passed an order dated 26.11.2021 imposing a fine of Rs.10,000/- upon the petitioner and revoked the order of suspension of the petitioner's fair price shop.
3. The said order was assailed by the complainants before the appellate authority, however, the appeal came to be dismissed on 23.03.2022. Thereafter, on the basis of the very same complaint,

fresh proceedings were initiated by the Sub-Divisional Officer (Revenue), Pathariya, District Mungeli (C.G.), culminating in the impugned order dated 11.10.2022.

4. Learned counsel for the petitioner submits that once the competent authority had concluded the earlier proceedings by passing the order dated 26.11.2021 and the same stood affirmed by the appellate authority, the Sub-Divisional Officer (Revenue), Pathariya, District Mungeli (C.G.) could not have initiated fresh proceedings on the very same complaint and imposed an additional condition/penalty by the impugned order dated 11.10.2022. It is submitted that the impugned order virtually amounts to a review of the earlier order, though no such power of review is available under the provisions of the Chhattisgarh Public Distribution System (Control) Order, 2016. It is, therefore, prayed that the impugned order dated 11.10.2022 deserves to be set aside.
5. Per contra, learned State counsel submits that the purpose and scope of the order dated 26.11.2021 and the subsequent order dated 11.10.2022 are altogether different and, therefore, the latter cannot be construed as a review of the earlier order. It is further submitted that the petitioner has an efficacious alternative statutory remedy of appeal before the Collector under Clause 18 of the Chhattisgarh Public Distribution System (Control) Order, 2016 against the order passed by the Sub-Divisional Officer

(Revenue), Pathariya, District Mungeli (C.G.). As such, the present writ petition is not maintainable.

6. I have heard learned counsel for the parties and perused the material available on record.
7. From a perusal of the record, it appears that the petitioner is aggrieved by the order dated 11.10.2022 passed by the Sub-Divisional Officer (Revenue), Pathariya, District Mungeli (C.G.). Whether the impugned order amounts to a review of the earlier order dated 26.11.2021 and whether the same is legally sustainable are questions which can appropriately be examined by the appellate authority. Admittedly, Clause 18 of the Chhattisgarh Public Distribution System (Control) Order, 2016 provides a statutory remedy of appeal against an order passed by the Sub-Divisional Officer (Revenue), Pathariya, District Mungeli (C.G.).
8. In view of the availability of the aforesaid efficacious alternative statutory remedy, this Court is not inclined to entertain the present writ petition on merits. Accordingly, the petitioner is granted liberty to prefer an appeal under Clause 18 of the Chhattisgarh Public Distribution System (Control) Order, 2016 before the Collector against the impugned order dated 11.10.2022 within a period of seven days from today, along with a certified copy of this order, raising all grounds available to him in law.

9. In the event such an appeal is preferred within the aforesaid period, the appellate authority shall consider and decide the same, strictly in accordance with law, by passing a reasoned and speaking order, preferably within a period of forty-five days from the date of presentation of the appeal.
10. Till the appeal is decided by the appellate authority, no coercive steps shall be taken against the petitioner pursuant to the impugned order dated 11.10.2022.
11. It is made clear that this Court has not expressed any opinion on the merits of the controversy and all questions of fact and law are left open to be considered by the appellate authority independently and uninfluenced by any observation made in this order.
12. With the aforesaid observations and directions, the present writ petition stands disposed of. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh