

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3517 of 2021**

1. Amrika Mahila Swa Sahayata Samuh Through President Smt. Lata Banjare, W/o- Netram Banjare (Wrongly mentioned as Santuram Yadav) Aged About 50 Yeras, Village Dagniya, Tehsil Masturi District : Bilaspur, Chhattisgarh
2. Smt. Amrika Bai Secretary Amrika Mahila Swa Sahayata Samuha, W/o- Bansal, Aged About 35 Years Village Dagniya, Tehsil Masturi, District - Bilaspur Chhattisgarh. **--- Petitioners**

Versus

1. State of Chhattisgarh through Secretary Department of Food, Civil, Supply and Consumer Protection Mantralaya Naya Raipur, District : Raipur, Chhattisgarh
2. Additional Collector Bilaspur (Chhattisgarh)
3. Sub-Divisional Officer Tehsil Masturi, District Bilaspur (Chhattisgarh)
4. Jai Mata Di Mahila Swa Sahayata Samuh Tehsil Masturi, District - Bilaspur (Chhattisgarh) **--- Respondents**

For the Petitioners	:	Mr. Krishna Tandon, Advocate.
For the State/respondents	:	Mr. Alok Bakshi, Addl. Advocate General
For Respondent No.4	:	Mr. Yogeshwar K. Chandra, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****23.09.2021**

1. The challenge in this writ petition is to the order dated 06.08.2020 passed by the SDO (Revenue) under the Chhattisgarh Public Distribution Control Order 2016 whereby the Fair Price shop allotted to the petitioner was cancelled. Thereafter, when the said order was subjected to challenge in appeal, the Collector vide order 22.03.2021 has affirmed the order of the SDO.
2. Learned counsel for the petitioners would submit that the irregularity which was pointed out was subsequently explained by one of the seller namely Netram and only 0.50 quintals were found to be short-fall, therefore, for the minor default, the order of cancellation of Fair

Price Shop cannot be passed. He would further submit that the reason has also been assigned that because of the whitener used by the villagers on the ration cars, the difference in the distribution could not be reported.

3. Per contra, learned State Counsel as also learned counsel for the respondent no.4 oppose the arguments on the ground that alternative statutory remedy is available to the petitioners. Order 18 Sub-clause (2) of the C.G. Public Distribution System Control Order 2016 prescribes that the person aggrieved by the order of the Collector may appeal to the State Government within 30 days on receipt of the order and the decision shall be final. Since the disputed question of facts are involved in this case and the statutory remedy is available under Chattisgarh Control Order 2016, I am not inclined to exercise the power under Article 226 of the Constitution of India. The petitioners, if so advised, may avail alternative remedy which is available to him under the law.
4. The petitioners may also seek for return of Certified Copies of the Order dated 06.08.2020 (Annexure P-1) and the order dated 22.03.2021 (Annexure P-4) and if such application is filed, the same shall be returned to the petitioners after retaining the copies of the same.
5. With the above observations, this writ petition stands finally disposed off.

**Sd/-
GOUTAM BHADURI
JUDGE**