

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4972 of 2021**

Maa Safura Mahila Swa Sahayta Samooh Mudpar Jalashay Bilaigarh Through Its President Smt. Rangeeta Jangde W/o. Shri Virendra Jangde Aged About 35 Years, R/o Village Mudpar, Thana And Tahsil Bilaigarh, District Balodabajar Bhatapara Chhattisgarh.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Department Of Food, Civil Supply And Consumer Protection, Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar New Raipur, District Raipur Chhattisgarh.
2. Collector Balodabajar, (Food Department) District Balodabajar Bhatapara Chhattisgarh.
3. Sub Divisional Officer (Revenue) Bilaigarh, District Balodabajar Bhatapara Chhattisgarh.
4. Food Officer (Inspector) Bilaigarh Thana And Tahsil Bilaigarh, District Balodabajar Bhatapara Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/12/2021**

1. The present writ petition has been filed against the order dated 25.11.2021 whereby the respondent No.3 has placed the operation of fair price shop of the petitioner under suspension.
2. The order of suspension has been issued exercising the powers conferred upon the authorities vide the Chhattisgarh Public Distribution System (Control) Order 2016. The alleged violation in the said order of suspension is that of Rule 15 which deals with

compliance of instructions. It is envisaged under Rule 15 that the fair price shop keepers shall comply with the instructions issued by the State Government or the Director, Food Civil Supplies and Consumer Protection Department or the Collector from time to time.

3. From the plain reading of the impugned order it reflects that there is an allegation that from April, 2021 till the date of issuance of the impugned order, the petitioner establishment has not been able to provide empty gunny bags to the respondents and therefore it amounts to a violation the instructions issued from time to time and the disciplinary proceedings have been initiated. The same Control Order of 2016 also provides for a remedy of appeal against an order passed by the designated officer firstly to the Collector/Additional Collector and subsequently to the State Government. This in other word means that the petitioner has got two forums of appeal still available under Control Order itself. The petitioner having not availed the same has rushed to the High Court challenging the order of suspension.
4. This Court is of the opinion that once when there is an alternative statutory remedy available to the petitioner, it would not be appropriate for the High Court at this juncture to entertain the writ petition testing the veracity of an order of suspension, particularly when there is a remedy of two appeals still available under the Control Order of 2016.
5. The writ petition therefore stands disposed of reserving the right of the petitioner to avail the remedy of appeal under Clause 18 of the

Control Order of 2016 and an appropriate decision be taken by the Appellate Authority on the said appeal which would be preferred at the earliest.

6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved