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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5193 of 2026

Golden Way Women Self Help Group- Vidyadih- Tangar Through President Heera Bai W/o Than Singh Bhargav, Aged About 35 Years R/o Village Vidyadih (Tangar), P.S. And Tahsil Pachpedi, Distt. Bilaspur Chhattisgarh

... Petitioner(s)

versus

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

2 - The Collector (Food Department) Bilaspur, Distt - Bilaspur Chhattisgarh

3 - The Sub-Divisional Officer (Revenue) Masturi, Distt - Bilaspur Chhattisgarh

4 - The Food Inspector Masturi, Distt - Bilaspur Chhattisgarh

5 - Kiran Dinkar Sarpanch Of Gram Panchayat - Vidyadih Tangar, Tahsil - Pachpedi, Distt - Bilaspur Chhattisgarh

6 - Gram Panchayat - Pachpedi Through Sarpanch - Gram Panchayat - Pachpedi/ Operator Of Govt. Faire Price Shop - Pachpedi, Tahsil - Pachpedi, Distt - Bilaspur Chhattisgarh

... Respondent(s)

(Cause title taken from CIS system)

For Petitioner	: Mr. A. N. Pandey, Advocate
For State	: Mr. Shobhit Mishra, Dy. G.A.

Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

12.10.2026

1. The petitioner has filed this petition with the following reliefs:-

> *“ 10.1 That, this Hon'ble court may kindly be pleased to set aside of the impugned order dated 25.9.2026 ANNEXURE P/1 issued by the respondent no.3.*
>
> *10.2 That, this Hon'ble Court was please to direct to hold an enquiry in this matter against the respondent no.3.*
>
> *10.3 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. Learned counsel appearing for the petitioner submits that the impugned order dated 25.09.2026, passed by respondent No. 3, is illegal, arbitrary, and contrary to the facts and documents available on record. It is further submitted that in accordance with the allotment order, the petitioner was regularly operating the fair

price shop in compliance with the terms and conditions of the allotment order and no complaints had been made against the petitioner. Learned counsel further submits that respondent No. 3 cancelled the allotment of the petitioner's fair price shop without affording the petitioner any opportunity of hearing, in violation of the principles of natural justice and contrary to Rule 16(3) of the Chhattisgarh Public Distribution System (Control) Order, 2016 (for short “the Order, 2016”). It is also submitted that the impugned order passed by respondent No. 3 is contrary to the physical verification report submitted by the Food Inspector, which, according to the petitioner, does not disclose any deficiency in the functioning of the fair price shop. Thus, the impugned order has been passed in an arbitrary manner, allegedly to harass the petitioner and to facilitate the allotment of the shop to a person of the choice of respondent No. 3. Therefore, the impugned order is illegal, arbitrary, mala fide, and contrary to law. Learned counsel further submits that, after receipt of the inspection report, respondent No. 3 did not issue any show-cause notice to the petitioner or afford the petitioner an opportunity of hearing before passing the impugned order. With regard to the earlier show-cause notice, the petitioner had duly submitted a reply denying the allegations levelled against him. However, even after the reply was submitted, no further proceedings were conducted, nor were the statements of the *Panchnama* witnesses, the concerned Food Inspector, or the petitioner recorded. It is, therefore, contended

that the impugned order has been passed in violation of the principles of natural justice. Lastly, learned counsel submits that owing to an election dispute concerning the election to the post of Sarpanch, respondent No. 5 repeatedly made complaints against the petitioner. On the basis of the said complaints, respondent No. 4 inspected the petitioner's fair price shop but did not find any deficiency therein. Despite the same, respondent No. 3 passed the impugned order without assigning any cogent reason and under the influence of respondent No. 5. Accordingly, the petitioner contends that the impugned order is liable to be set aside.

3. On the other hand, learned State counsel opposes the submissions made by learned counsel for the petitioner and submits that the impugned order has been passed by the concerned authority in accordance with law. It is further submitted that the petitioner has an efficacious alternative remedy available under the relevant provisions of law and therefore, the present writ petition is not maintainable. Accordingly, learned State counsel submits that the writ petition is devoid of merit and is liable to be dismissed.

4. I have heard learned counsel for the parties and perused the documents annexed with the petition carefully.

5. Before proceeding further, it would be apposite to take note of Clause 16 of the Control Order, 2016, which deals with imposition

of penalty. The relevant portion thereof reads as under:-

> ***16. Penalty.*** *- (1) If shopkeeper contravenes any provision of agreement, his shop shall be liable for suspension or cancellation by authorized officer for allotment of Fair Price shop.*
>
> *(2) During inspection of shop, if any irregularity found then without prejudice to any action the whole or part of amount deposited by shopkeeper as security, shall be forfeited in favour of the State.*
>
> *(3) Before cancellation of authority letter of Fair Price Shop or forfeiture of whole or part of security, Food Controller or Food Officer of district, Sub-Divisional Officer of sub-division shall issue show cause notice and after giving him appropriate opportunity of hearing decision shall be made. This action shall be completed within a month from issuance of show cause notice.*
>
> *(4) The inspection of Fair Price Shop and other agencies engaged in supply and distribution of essential,commodities under public distribution system shall be done by the officers mentioned in the sub-rule (2) of rule 13 of this order. If irregularities found against Fair Price Shop run by cooperative societies, then inspecting officer communicate it to Deputy Registrar/Assistant Registrar, Cooperative societies, who will send his report within 15 days to officer designated for allotment of Fair Price Shop. If the said Deputy Registrar/Assistant Registrar, Cooperative societies does not submit his report within 15 days then it will be presumed that the consent of Deputy Registrar/Assistant Registrar, Cooperative societies is favourable and proposed action can be*

completed.

(5) If any person, society or group contravenes any provisions of this Order, he shall be liable to punishment under section 7 of Essential Commodities Act. In case of cooperative societies, Gram Panchayat or other institution the prosecution may be started on the approval of Collector but in such cases the action shall not be restricted to salesman of Fair Price Shop only it can be extended to President and executive officers of society and other institutions and Sarpanch, Secretary of Panchayat or Gram Panchayat.

(6) If there is prima-facie evidence that any individual is operating a shop as a proxy/"benami" shop keeper or de- facto owner by using the self-help groups, primary credit societies, forest protection committees, other credit societies or Gram Panchayat, she/he will be prosecuted under the provisions of the Essential Commodities Act as if she/he were running the shop."

6. It appears from the record that the petitioner had earlier approached before this Court by filing a Writ Petition (C) No. 761/2026, challenging the suspension order passed in respect of the petitioner's fair price shop on the ground that the license of the fair price shop had been suspended without affording the petitioner a due opportunity of hearing. However, the State Counsel submitted, on the basis of the show-cause notice dated 03.12.2025 issued by the Sub-Divisional Officer (Revenue), Masturi, District Bilaspur (C.G.), that the petitioner had filed a reply to the said notice and that, thereafter, the order suspending

the fair price shop had been passed upon consideration of the aforesaid reply. Nevertheless, this Court, vide order dated 20.02.2026, stayed the effect and operation of the order dated 06.02.2026, whereby the suspension order in respect of the petitioner's fair price shop had been passed. When the matter came up for hearing on 12.08.2026, upon consideration of the submissions made by the respective counsel, this Court directed the concerned SDO (R) to conclude the proceedings under the provisions of Clause 16(1) of the Control Order, 2016, within a period of 30 days from the date of receipt of the order. The concerned SDO (R) was further directed not to take any coercive steps until the proceedings were concluded. The aforesaid order was passed on 12.08.2026. Thereafter, when the final order was passed by the concerned SDO (R) on 25.09.2026, the petitioner again filed a writ petition *inter alia*, submitting that the petitioner had not even been afforded a due opportunity of hearing and that the order had been passed in an illegal and arbitrary manner.

7. From perusal of the aforesaid order dated 25.09.2026, it is apparent that the petitioner was afforded an opportunity of hearing. The petitioner was called upon by way of notice and appeared before the concerned SDO(R) on 19.12.2025. The petitioner filed a reply and denied the allegations levelled against her. The complainants also appeared and submitted their respective documents. On the basis of the documents submitted by the petitioners/non-applicants as well as the complainants, the

concerned SDO(R) considered their rival submissions and found that the stock of food grains, i.e., rice, had been shifted from the Suloni Fair Price Shop to the Vidhadih Tangar Fair Price Shop without obtaining the necessary permission from the competent authority. It was also stated that during the enquiry, surplus rice amounting to 72.68 quintals was found to have been illegally stored. Further, it was found that sugar had also been distributed at higher rates. So far as the stock found on 21.09.2026 is concerned, there was no anomaly as such. However, on an earlier occasion, when the proceedings were initiated, the stocks were found to be inconsistent with the prescribed stock position, and the shopkeepers could not justify the illegal storage of food grains or the distribution of sugar at higher rates. Accordingly, after due enquiry and with a view to ensuring the proper supply of food grains to the beneficiaries, the petitioner's Fair Price Shop was cancelled and temporarily attached until further orders, to the nearby Government Fair Price Shop, Pachpedi- 402002029 (Gram Panchayat Pachpedi). All these facts demonstrate that the petitioner was afforded a proper opportunity of hearing and that she submitted her reply. However, she could not justify the illegal storage of food grains or the allegations regarding the sale of sugar at higher rates. Since the petitioner had submitted her reply before the concerned SDO(R), it cannot be said that she was not afforded an opportunity of hearing. The petitioner has approached this Court on several occasions seeking an order of stay and was,

therefore, well aware of the proceedings. In that view of the matter, it cannot be presumed that the petitioner was denied an opportunity of hearing. Therefore, there has been no violation of the principles of natural justice, nor has the impugned order been passed in contravention of the Chhattisgarh Public Distribution System (Control) Order, 2016 (hereinafter referred to as the “Order of 2016”).

8. The physical verification report is dated 21.09.2026, whereas the allegations pertain to an earlier date, when, upon enquiry, it was found that the food grains were not available as per the prescribed stock. There were also allegations of selling sugar at higher rates. Once the petitioner has filed a reply and the petitioner’s society is aware of the proceedings, it is incumbent upon the society to cooperate with the proceedings. Merely alleging a violation of the principles of natural justice, the same cannot be accepted, particularly when the order reflects that a show-cause notice was issued, the petitioner appeared before the concerned authority, submitted a reply and further participated in the enquiry as envisaged under the Chhattisgarh Public Distribution System (Control) Order, 2016.

9. It would be apt to notice here that time and again, against the passing of suspension order and cancellation of Fair Price Shops, the persons to whom Fair Price Shops have been granted are directly approaching this Court under Article 226 of the Constitution of India without availing the alternative remedy

available under the law. The petitioner is approaching this Court challenging the suspension order, which is, in fact, not a final order. After suspension, there is a provision under the Control Order, 2016, to conclude the proceedings by the concerned SDO(R), in which the concerned parties should have appeared and participated in the proceedings, which the allottees of the Fair Price Shops are not doing. Even after the passing of the order by the concerned SDO(R), without availing the alternative remedy, the petitioner is approaching this Court directly under Article 226 of the Constitution of India, which is not in accordance with law. In each and every case, in spite of receipt of the show-cause notice, filing of a reply and participation in the proceedings, the petitioner is alleging that the principles of natural justice have not been followed.

10. Once the show-cause notice has been issued and the concerned allottee of the Fair Price Shop has filed a reply, it is incumbent upon the allottee to participate in the proceedings before the concerned SDO(R), which the allottee has failed to do. Accordingly, in the event of a challenge to the suspension order or the final order passed by the concerned SDO (R), the allottee of the Fair Price Shop must approach the competent authority rather than directly approach this Court.

11. Accordingly, this Court is of the opinion that there is no scope for interference in the present petition. The petition is, therefore, **dismissed** as being devoid of merit. Since this Court

has passed an order on merits, the petitioner cannot be granted the liberty to approach the competent authority by invoking an alternative remedy available under the law.

10. No order as to cost(s).

SD/-
(Amitendra Kishore Prasad)
Judge

AMIT PATEL