

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3229 of 2015

In
Civil Writ Jurisdiction Case No. 9926 of 2014

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RAM BAHADUR SAH, SON OF LATE MUNGALAL SAH RESIDENT
OF VILLAGE BAKHARI, POLICE STATION SURSAND, DISTRICT
SITAMARHI Petitioner

Vs

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
 3. The District Magistrate, Sitamarhi, District - Sitamarhi.
 4. The Sub Divisional Officer, Pupri, Sitamarhi
 5. The Senior Deputy Collector, District -Sitamarhi.
 6. The Block Supply Officer, Sursand, District - Sitamarhi.
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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr. Kinkar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 02-03-2016 Instant modification petition has been filed for

modifying order dated 8.10.2015, passed in C.W.J.C.No. 9926

of 2014 which reads as follows:-

“Heard learned counsel for the petitioner and the State.

The writ application is disposed of with liberty to the petitioner to take remedy of revision against the order of the Collector affirming the order of the Sub-Divisional Officer, by which the P.D.S. license of the petitioner has been cancelled.

In case, the petitioner files a revision application, the learned Commissioner would be sympathetically condone the delay in filing the same, as the petitioner was pursuing his remedy before this Court. It is expected that the revision application would be dispose of within a period of four months.”

The petitioner submits that in fact he had filed

C.W.J.C.No. 9926 of 2014 for quashing of order dated

30.11.2013, passed by the SDO, Pupri (respondent no.4) by which his PDS licence no.09 of 1986 had been cancelled. The petitioner submits that respondent no. 4 had not supplied him a copy of the enquiry report of respondent no.5 and he was not informed about the particulars of the consumers. The petitioner further submits that he never filed any appeal before the District Magistrate or the revision before the Commissioner. The petitioner while referring to order dated 31.8.2015, passed in C.W.J.C.No. 20470 of 2013, submits that in similarly situated case, this Court set aside the impugned order and directed the respondents to proceed afresh after serving a copy of the complaints of the consumers to the petitioner of that case.

Having heard learned counsel for the parties, the modification petition is allowed. Impugned order dated 30.11.2013, passed in C.W.J.C.No. 9926 of 2014 is set aside with liberty to the respondents to proceed afresh after serving copies of the enquiry report and the complaints of the consumers to the petitioner.

Shashi.

(Samarendra Pratap Singh, J)

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