

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12760 of 2015

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Manti Devi wife of Late Ashok Manjhi, Resident of village- Ratan Sarai Balua Tola, Ward No. 17, Nagar Panchayat Barauli, Block Office- Barauli, Under Sub-Division- Gopalganj, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj
3. The District Supply Officer, District- Gopalganj
4. The Sub Divisional Officer, Gopalganj
5. The Block Supply Officer, Barauli, Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Harendra Prasad, Advocate.

For the Respondents : Mr. Rajiv Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-06-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs –

“(a) For issuance of appropriate writ to restore the P.D.S. license of the petitioner bearing licence No. 21 of 2007 which has wrongly been cancelled vide the Memo No. 5942 dated 29.09.2012 after asking the show-cause vide his letter no. 5218 dated 27.08.2012 and dissatisfied with the show cause of the petitioner, this petitioner has filed an appeal before the appellate forum i.e. the District magistrate, Gopalganj vide Supply Appeal No. 12 of 2012 but the same has been dismissed on 18.12.2012 affirming the cancellation of the licence of the PDS shop of the petitioner by the respondent no. 4.

(b) For setting aside the order passed in the Supply Appeal bearing no. 012 of 2012 vide order dated 18.12.2012 by the



D.M., Gopalganj, whereby and whereunder the order contained in Memo No. 594/dated 29.09.2012 passed by the learned S.D.M. Gopalganj has been affirmed without considering the relevant law and also without thinking over the Humanitarian situation. Only on the sweet will of the respondent officials concern as there is no public petition or not a single consumer of the area has come to show any allegation against the petitioner about any illegality or misbehave or anything else against the petitioner, 36 persons who have made complain against the petitioner are the politically biased persons.

(c) For taking the legal steps against the respondents authorities who have passed the order of cancellation of the PDS licence of the petitioner bearing licence no. 21 of 2007 which has wrongly been cancelled vide the Memo No. 5942 dated 29.09.2012 after asking the show-cause of the petitioner vide the letter no. 5218 dated 27.08.2012.

(d) For the issuance of an appropriate order/direction/writ to issue the appropriate order/direction/writ to restore the licence of the petitioner and also to obeyed, honoured recognized and respected the law formulated by the legislator regarding the suspension and cancellation of the licence of the dealer of Public Distribution System under Bihar Public Distribution System (Control) Orders. (It is pertinent to mention here that in a mater relates to the cancellation and suspension of a P.D.S. licence as the suspension of the said licence has become illegal in accordance with the relevant laws there is mandatory provision in the P.D.S.(control) order vide Section 7(IV) it shall be necessary to ask show cause by the licencing authority to licence before suspending licence. Licencee will be a reasonable opportunity stating his case against



proposed cancellation).
(e) For the issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the present case."

3. At the very outset, this Court takes note that remedy by way of revision before the Divisional Commissioner is available to the petitioner against the impugned order dated 18.12.2012 passed in Supply Appeal Case No. 12 of 2012, which has not been availed of by the petitioner.

4. In view of availability of the alternative remedy as above, this Court is not inclined to interfere in the matter. The writ petition stands dismissed with liberty to the petitioner to file a revision petition before the Divisional Commissioner for redressal of her grievances.

5. It is made clear that in case such a revision petition is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul/BT

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