

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5527 of 2014

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Murli Manohar Thakur son of Late Mahesh Thakur, resident of Village-
Musharia, P.S & P.O- Jamalpur, Vaya, Biraul, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Department Of Food And Consumer Protection, Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. Sub- Divisional Officer, Biraul, District- Darbhanga.
4. Block Supply Officer, Kiratpur, P.S- Jamalpur, District- Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Tuhin Shankar, Advocate.

For the Respondents : Mr. Rakesh Kumar Raiyan, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-07-2018

I.A. No. 3653 of 2017

This interlocutory application has been filed for
amendment in the writ petition by adding the following prayer –

*“(i) To appropriately amend in the relief portion to add as
1(v) after 1(iv) in the relief portion for quashing the
memo no. 3624 dated 05.12.2013 (Annexure-11) by which
Sub-Divisional Officer, Biraul has cancelled the PDS
licence No. 4/94.”*

2. Having regard to the nature of the prayer, the
interlocutory application is allowed and the same shall be treated as
forming part of the writ petition.



C.W.J.C. No. 5527 of 2014

The main writ petition has been filed for the following reliefs –

“(i) To quashing the memo no. 1830 dated 2.7.2013 issued by the respondent Sub-Divisional Officer, Biraul by which the petitioner’s shop including the stocks and its consumers under the Public Distribution System was attached to the Primary Agricultural Credit Society, Khaisa, Jamalpur which was directed to distribute the food materials to the consumers from thereon.

(ii) To restrain the respondent authorities from proceeding any further to cancel the petitioner’s PDS licence to run the PDS shop at Khaisa, Jamalpur as the same is completely arbitrary and illegal having no sanction of law.

(iii) To further direct to return the goods/food grains seized from the petitioner on 27.06.2013 for which due payments were made by the petitioner to the State and/or to issue the foodgrains of the amount received by the respondent State.

(iv) To hold and declare that there being no reasons or any justifiable grounds on law or on facts to take away the petitioner’s right to run the PDS shop by the impugned order, it directly affects the petitioner’s right to livelihood which is being taken away by the impugned action.

2. At the very outset, this Court takes note that the petitioner has alternative statutory remedy against the order of cancellation by way of appeal before the District Magistrate, which has



not been availed of by the petitioner.

3. Learned counsel for the petitioner fairly accepts that remedy by way of appeal is available.

4. In the above circumstances, the writ petition stands dismissed with liberty to the petitioner to file appropriate statutory appeal against the impugned order of cancellation.

5. It is made clear that in case such an appeal 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

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.07.2018
Transmission Date	N.A.

