

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3196 of 2018

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Binay Kumar Singh Son of late Kailash Singh Resident of Village-
Bhagwanbiga, P.S. +Circle- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply Department, Govt of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Sub-Divisional Officer, Daudnagar, Aurangabad.
4. The Block Supply Officer, Daudnagar, Aurangabad.
5. The Block Development Officer, Daudnagar, Aurangabad.
6. The Block Supply Officer, Obra, Aurangabad.
7. The Block Supply Officer, Goh, Aurangabad.
8. The Assistant District Supply Officer, Cum Incharge of Block Supply Officer, Daudnagar, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Singh, Advocate
For the Respondent/s : Mr. S.Raza Ahmad -AAG5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 07-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks quashing of Memo No. 691 dated
17.09.2016 passed by the Respondent No. 3, the Sub Divisional
Officer, Daudnagar, Aurangabad, as contained in Annexure-1
whereby the P.D.S. licence no. 23/D/1990 has been cancelled.

Learned counsel for the petitioners submits that earlier
the P.D.S licence of the petitioner was cancelled in the year 2013
against which the petitioner went in appeal before the District
Collector, Aurangabad in P.D.S appeal no. 36 of 2013 and the



matter was remanded only on the specific ground to the Respondent Sub Divisional Officer, Daudnager, Aurangabad whether the petitioner had received supplies for the period March 2012 to May 2012 in the month of August and September 2012. He submits that without taking into consideration the said issue again the P.D.S licence of the petitioner has been cancelled taking into consideration all the allegations and not the issue whether the supplies for the month of March 2012 to May 2012 had been received in August and September 2012.

Learned counsel for the State, however, submits that the order of the Sub Divisional Officer is a speaking order and the specific issue had been taken into consideration but the petitioner had himself not shown the registers and the documents in support of the fact that whether such supplies for March to May 2012 was received in August and September 2012. He further submits that there is a provision of appeal before the appellate authority who is the Collector under the provisions of the Act and as such the writ application is not maintainable on ground of alternative remedy available to the petitioner.

Having heard learned counsels for the parties, this writ application is disposed of with a liberty to the petitioner to avail the alternative remedy of appeal before the Collector. The delay, if



any, would be condoned if the petitioner prefers appeal latest by
17th August, 2018.

(Nilu Agrawal, J)

Arjun/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08 .08.2018
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