

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16774 of 2015

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Shatrughan Sah Son of Late Janki Sah, Resident of village- Banauli, P.S.-
Sursand, District- Sitamarhi

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Satyadeo Kumar, SC-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2018

None appears on behalf of the petitioner despite repeated calls.

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

“(i) For issuance of an appropriate writ in the nature of Certiorari for quashing the order dated 30.11.2013 passed by the respondent no. 4 and communicated to the petitioner under memo no. 743 dated 30.11.2013 whereby and whereunder the respondent no. 4 has been pleased to cancel the Public Distribution System (hereinafter referred to as the P.D.S.) License of the petitioner with immediate effect and directed the respondent no. 5 to attach the consumers of petitioner’s P.D.S. shop to the nearest P.D.S.



Dealer.

(ii) For a declaration that in compliance of the show cause notice issued to the petitioner, he had filed his reply within the time granted, the respondent no. 4 was obliged to consider the reply filed by the petitioner in its objectivity and only thereafter he would have passed any order but in accordance with law.

(iii) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent authorities to restore the license of the petitioner as also to restore the supply on the ground that the cancellation of his license is based on frivolous report and the cancellation order was passed by the respondent no. 4 in complete violation of the principles of natural justice..

(iv) For issuance of any other writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. 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 Collector, which has not been availed of by the petitioner.

4. In the above circumstances, the writ petition stands disposed 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/Chandran

AFR/NAFR	NAFR
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