

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1455 of 2019

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Md. Sanaullah, son of Shekh Fida Husain, Resident of Village-Brindavan,
Bindraban, Danial Parsauna, West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Food and Civil Supply Government of Bihar New Secretariat Patna
2. The District Magistrate West Champaran.
3. The Sub Divisional officer, Narkatiyaganj West Champaran Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-01-2019 The petitioner is aggrieved by the order dated 17.12.2018 issued under the signature of the respondent Sub-Divisional Officer, Narkatiyaganj, West Champaran at Bettiah (respondent no.3) by which the respondent no.3 has taken a decision to cancel the Public Distribution Shop licence of the petitioner.

Learned counsel for the petitioner submits that even though he is aware of the provisions of the statutory appeal against the order impugned in the present writ application, but this application has been moved in this Court on the ground that the impugned order suffers from violation of the principles of natural justice. Learned counsel submits that the impugned order has been passed without making available a copy of the



inspection report to the petitioner.

On the other hand, learned counsel representing the State submits that from perusal of Annexure-2 dated 09.10.2018 it will appear that the respondent no.3 had forwarded the petitioner a copy of the inspection report. Again, in the impugned order (Annexure-4), it is stated that the copy of the inspection report has been made available to the petitioner. It is, thus, submitted that no case for interference in the writ jurisdiction is made out.

Having heard learned counsel for the parties and on perusal of the records, this Court is of the considered opinion that, in view of the statutory appeal available to the petitioner, he may, if so advised, prefer his appeal within a period of 15 days from today before the Collector, West Champaran at Bettiah which will be considered by the Collector, West Champaran.

The Collector, West Champaran shall call for the records from the Sub-Divisional Officer and verify whether a copy of the inspection report was made available to the petitioner or not. In case, it is found that the inspection report was not made available to the petitioner, the same shall be a good ground for consideration by the Collector, West



Champaran. The petitioner shall be entitled to raise all such pleas and grounds which may be available to him in the statutory appeal.

The statutory appeal shall be disposed off within a period of 60 days from the date of filing of the appeal.

Writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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