

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.368 of 2019

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Ram Ekwāl Ram @ Ramekwāl Ram Son of Late Rambrikchh Ram, Resident
of Village and P.O.- Mahuwava, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Sitamarhi, District- Sitamarhi.
3. The Sub-Divisional Officer, Sitamarhi Sadar, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.U.P. Singh -Sc4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

2. Petitioner is aggrieved by the order of cancellation
PDS license of the petitioner and appellate order.

3. Learned counsel for the petitioner submits that
order was passed without opportunity of hearing to the
petitioner.

4. Learned counsel appearing on behalf of the State
would submit that petitioner has alternative statutory remedy in
the nature of revision.

5. Alternative remedy is ordinarily a bar but there are
three exceptions carried out by the Apex Court in the case Md.
Nooh (AIR 1958 SC 86).

The exceptions are (i) violation of fundamental right,
(ii) lack of jurisdiction and (iii) violation of principle of natural



justice.

6. Grievance of the petitioner in the present proceeding is that he was condemned unheard.

7. From the material available on record, it is apparent that show cause notice was issued to the petitioner but reasonable opportunity of hearing was not provided and adverse orders was passed by the respondents. Compliance of Principle of Natural justice does not mean empty formality.

8. In view of the above, instead of relegating the petitioner to the alternative forum, the Court is inclined to allow the writ petition particularly in view of the opinion expressed by a coordinate Bench of this Court in C.W.J.C. No. 2407 of 2019 vide order dated 26.4.2019.

9. Accordingly, the order contained in Annexures-1 and 4 are quashed.

10. The writ petition is allowed. However, allowing the writ petition will not disentitle the respondents from passing fresh order in accordance with law after providing opportunity of hearing to the petitioner.

Ravi/-

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(Anil Kumar Upadhyay, J)

