

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8759 of 2018

=====

Sudhir Kumar Son of Shankar Prasad, Resident of Village- Sursand Uttari,
Ward No. 2, P.O. and P.S. Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate-cum-Collector, Sitamarhi, District- Sitamarhi.
4. The Sub-Divisional Officer, Sitamarhi Sadar-cum-Licensing Authority, District- Sitamarhi.
5. The Block Supply Officer, Sursand, District- Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Advocate with
Mr. Pushpendra Kumar Singh, Advocate

For the Respondent/s : Mr. Alok Ranjan, AC to AAG 5

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

3 28-05-2019 Heard Mr. N. K. Agarwal, learned senior counsel

along with Mr. Pushpendra Kumar Singh, learned counsel for

the petitioner and learned AC to AAG 5 for the State.

2. The petitioner has moved the Court for the
following reliefs:

*“(I) For issuance of an appropriate writ in
the nature of **CERTIORARI** for quashing the order
dated 23.03.2018 passed by the Respondent no. 4 and
contained in his memo no. 102 dated 23.03.2018
whereby and where under the Respondent no. 4 has*



been pleased to cancel the license of the petitioner under the Public Distribution System (hereinafter referred to as P.D.S.) and the consumers of the petitioner's shop has been attached with the nearest dealer on the ground that the aforesaid order has been passed by the Respondent no. 4 without any consideration to the show-cause filed by the petitioner in response to the show-cause notice issued against him as also along with show-cause notice the copy of the so-called enquiry report was not served to the petitioner.

*(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to restore the license and supply of the petitioner's which has been terminated in most arbitrary and unlawful manner.*

(II) 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. After some arguments, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to the petitioner to file statutory appeal before the respondent no. 3 under Rule 32 (iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as the 'Control Order, 2016). However, learned counsel submitted that as the time for filing such appeal being 30 days



having elapsed, the Court may direct the authority concerned to hear the appeal on merits.

4. Learned counsel for the State does not oppose.

5. Having considered the matter, the Court is inclined to accede to the prayer of learned counsel for the petitioner. Accordingly, the writ petition stands disposed off with liberty aforesaid.

6. If the petitioner files an appeal before the respondent no. 3 within three weeks from today, the same shall be heard on merits, in accordance with law, without being prejudiced by the present order. The Court would also observe that such appeal is required to be disposed off within the time frame fixed in Rule 32 (iii) of the Control Order, 2016.

7. Before parting with the order, the Court is constrained to observe that on a regular basis, it is seen that the illegible copies of annexures are on record without the Stamp Reporter pointing out such defect and the concerned filing typed copies of the same. Even in the present case, Annexue-1 is not fully legible. This is a serious impediment to the Court on the judicial side as well as leads to unnecessary wastage of time of the Court.

8. In view of the aforesaid, the Registrar General is



directed to issue strict instructions to the Stamp Reporting Section that in the absence of fully legible pleadings, including annexures, such defect be clearly pointed out and unless the same are removed by filing of fresh/typed copies which are fully legible, cases should not be shown defect free. The Registrar General shall also communicate that any lapses on the part of the concerned persons shall be taken seriously and may lead to passing of strict order against them. The Section shall communicate the order to the Registrar General forthwith.

(Ahsanuddin Amanullah, J)

Anjani/-

U			
---	--	--	--

