

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19768 of 2016

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Virendra Kumar Singh S/o Sri Ramashish Singh, resident of Village-
Purkhauli, P.S.- Lalganj, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food,
Supply and Consumer Protection, Government of Bihar, Patna
2. The District Magistrate, Vaishali.
3. The Sub Divisional Officer-Cum-Licensing Authority, Hajipur, Vaishali.
4. The District Supply Officer, Vaishali.
5. The Assistant District Supply Officer, Hajipur, Vaishali.
6. The Block Supply Officer, Lalganj, Vaishali.
7. The Block Supply Officer, Bidupur, Vaishali.
8. The Marketing Officer, Hajipur Town, Vaishali.
9. The Commissioner, Tirhut Division, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate with Mr. Nityanand, Advocate
For the Respondent/s	:	Mr. Upendra Pratep Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-05-2019

Heard Mr. Yogesh Chandra Verma, learned senior
counsel along with Mr. Nityanand, learned counsel for the
petitioner and learned AC to SC 4 for the State.

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

*“(A) A writ in the nature of certiorari or any
other appropriate writ/s, order/s, direction/s for
quashing the followings:-*



(i) The order dated 23.02.2016, contained in Memo No. 211, passed by the Sub Divisional Officer, Hajipur, by which the License No. 24/2007 of the petitioner for running the shop under Public Distribution System has been cancelled not only in violation of natural justice rather in violation of the statutory provisions as founded in Clause 7 (ii), 7(iv) & 7(v) of Public Distribution System (Control) Order, 2001, merely on the basis of joint enquiry report of respondent No. 2 to 6 which is without any proved evidence.

(ii) The order dated 26.07.2016, passed in P.D.S. Appeal Case No. 01/2016-17, by the Collector, Vaishali, by which the appeal filed by the petitioner has been dismissed and the order dated 23.02.2016, contained in Memo No. 211, passed by the Sub Divisional Officer, Hajipur, canceling the license of the petitioner, has been confirmed.

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s commanding the respondents for the followings:-

(i) To treat the order contained in Annexure-3 & 5, non-est in the eye of law.

(ii) To hold the order under challenge is in the teeth of provision founded in Clause 7 (ii), 7(iv) & 7(v) of the Public Distribution System (Control) Order, 2001.

(iii) To restore the License No. 24/2007 in favour of the petitioner allow him to run the fair price shop.



(C) Any other relief/s for which the petitioner is entitled to.”

3. At the very outset, learned counsel for the State submitted that in view of Rule 32 (vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016, the petitioner has the remedy to move in revision before the Divisional Commissioner.

4. Learned counsel for the petitioner submitted that though he has arguable points directly on merits and the Court can entertain the plea, but once a statutory forum is available, he would prefer to move before the revisinoal authority. It was further submitted that the time for filing of revision having expired, the Court may direct the revision to be heard on merits.

5. The Court finds the stand taken by learned counsel for the petitioner to be reasonable. Though the time limit for moving in revision has passed, but in view of the petitioner moving the Court within a reasonable period as well as the submissions made by learned counsel for the petitioner on the merits of the matter, the Court is persuaded to direct the revisional authority to hear the matter on merits.

6. Accordingly, the writ petition stands disposed off with liberty to the petitioner to file revision before the Divisional Commissioner, Tirhut. If such revision is filed within three weeks



from today, the Divisional Commissioner, Tirhut shall consider the same on merits, in accordance with law, without being prejudiced by the present order.

7. For the sake of convenience, let the Commissioner, Tirhut Division, Muzaffarpur be impleaded as respondent no. 9. Necessary correction be made in the cause title of the writ petition by learned counsel for the petitioner during the course of the day. Learned counsel for the State accepts notice on behalf of the newly added respondent no. 9.

(Ahsanuddin Amanullah, J)

Anjani/-

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