

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4754 of 2019

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Vijay Kumar Son of Chokat Sah Resident of -Pirari, P.O. and P.S.-Pindari,
District-West Champaran

... .. 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 District-West Champaran Bettiah
3. The Sub Divisional Officer, Narkatiaganj West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Mishra, Adv. Ms. Neha Gupta, Adv. Ms. Priya, Adv.
For the Respondent/s	:	Mr.Md. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case is aggrieved by and dissatisfied with the order dated 15.01.2019 issued under the signature of the respondent Sub-Divisional Officer, Narkatiyaganj by which the fair price shop licence of the petitioner has been cancelled.

It is the contention of learned counsel for the petitioner that a proper opportunity to show cause was not granted to the petitioner and further that the explanation submitted by the petitioner has not at all been considered and hence the impugned order is liable to be set aside. Learned



counsel further submits that the inspection report submitted by the Block Supply Officer, Mainatand was also not made available to the petitioner.

Learned counsel for the State, however, opposed the prayer of the petitioner submitting that on perusal of the impugned order, as contained in Annexure-2, it would appear that it is a reasoned order and hence this writ Court need not exercise its extra-ordinary jurisdiction to interfere with the impugned order particularly when there is a remedy available to the petitioner by way of a statutory appeal under the Bihar Targeted PDS (Control) Order, 2016 (hereinafter referred to as the 'PDS Control Order of 2016).

Having heard learned counsel for the petitioner and the State and after going through the impugned order, this Court is of the considered opinion that there are certain issues of facts which are required to be gone into, therefore this Court sitting in its writ jurisdiction declines to interfere with the impugned order, but it would not come in the way of the petitioner in seeking his remedy in terms of Clause 32 of the PDS Control Order of 2016 by filing an appropriate appeal before the District Magistrate, West Champaran at Bettiah (respondent no.2) within a period of 30 days from today. If such an application is



preferred within the stipulated period, the same will be considered by the respondent no.2 on its own merit, independently and a reasoned order thereon shall be passed within a period of 90 days from the date of receipt/production of a copy of this order. In case any question of limitation arises for consideration, the same will be considered keeping in mind that the petitioner was pursuing his remedy before this Court.

Needless to say that prior to passing of the reasoned order, the petitioner will be given an opportunity of hearing and all such issues which will be raised by the petitioner would be required to be considered by the appellate authority.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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