

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3287 of 2019

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Vijay Ram, Son of Vishun Dev Ram, Resident of Village- Tiwari Tola Auhar
Shekh, P.S. Majhulia District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna
2. The District Magistrate, West Champaran at Bettiah.
3. The Sub Divisional Officer, Bettiah, District- West Champaran.
4. The Block Extension Officer, Bettiah, West Champaran.
5. The Block Supply Officer, Majhulia, P.S. Majhulia, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary
For the Respondent/s : Mr.S.Raza Ahmad (AAG5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-06-2019 Petitioner is aggrieved by and dissatisfied with the order as contained in memo no.1421 dated 15.10.2013 passed by the Sub-Divisional Officer, Bettiah Sadar whereby the PDS licence of the petitioner being Licence No.54/2007 has been cancelled with immediate effect.

Learned senior counsel representing the petitioner submits that the impugned order suffers from violation of the principles of natural justice inasmuch as the petitioner was not granted adequate time to submit his reply to the show cause notice. He was also not served with any enquiry report.

Learned counsel representing the State submits that



this writ application is fit to be dismissed on the ground of delay and laches alone. It is submitted that the petitioner had an alternative statutory remedy of appeal against the impugned order passed by the Sub-Divisional Officer which he did not avail, there is also no explanation of the same as to why he did not avail his statutory remedy of appeal. It is submitted that after about five and half years, the present writ application has been filed invoking the extraordinary writ jurisdiction of this Court. Even in the writ application, there is no whisper as to why and under what circumstances the petitioner has moved this Court directly under Article 226 of the Constitution of India after a huge delay of five and half years. It is further submitted that the whole licensing provision has come to a change by virtue of the Bihar Targeted PDS (Control) Order, 2016, therefore it would not be appropriate to exercise extraordinary writ jurisdiction of this Court in the facts of the present case.

Having heard learned senior counsel for the petitioner and learned counsel representing the State, this Court is willing to agree with the submissions made on behalf of the State. The writ application is totally silent as to why the petitioner did not avail the statutory remedy of appeal against the impugned order and reason for filing of the writ application after five and half



years that too after coming into force of the new licensing rule in the year 2016 wherein steps have been taken to fill-up the vacant PDS shop by grant of fresh licences.

In the totality of the circumstances, this Court is of the opinion that the delay on the part of the petitioner is such that he has made himself disentitled for the relief prayed in the writ application. This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

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