

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5639 of 2019

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Upendra Choudhary, aged about 40 years, Male, Son of Keshaw Choudhary,
Resident of Village - Belaur, Block - Udwanthnagar, Police Station-
Udwanthnagar, District-Bhojpur

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Food Supply and Commerce Department,
Government of Bihar, Patna.
3. The Collector, Bhojpur, Ara.
4. The Deputy Collector Land Reforms, Bhojpur, Ara.
5. The Sub Divisional Officer, Ara Sadar, District Bhojpur.
6. The Block Development Officer, Udwanthnagar, Bhojpur
7. The Marketing Officer, Udwanthnagar, Bhojpur.
8. The Block Supply Officer, Udwanthnagar, District-Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case is aggrieved by the order
contained in memo no. 3297 dated 24.04.2017 passed by The
Sub Divisional Officer, Ara Sadar, Bhojpur (respondent no. 5)
by which P.D.S. shop license of the petitioner has been
cancelled. An appeal preferred by the petitioner against the
order of the Licensing Authority has also been dismissed.

Learned counsel for the petitioner submits that the
license of the petitioner has been cancelled for a totally



irrelevant consideration. He has drawn the attention of this Court towards the inquiry report as contained in Annexure '1/1' submitted by the Assistant District Supply Officer, Sadar, Bhojpur, wherein he has recorded the fact that during inspection the stock and the store register were found in consonance with each other and no serious illegality or irregularity could be noticed by him.

Learned counsel submits that the grounds shown in the impugned order are totally vague grounds and the same can not be made a basis of cancellation of license.

Learned counsel for the State has, however, opposed the writ application saying that the petitioner has got an alternative remedy of revision before the Divisional Commissioner, Patna in terms of the Bihar Targeted P.D.S. (Control) Order, 2016.

At this stage, learned counsel for the petitioner submits that the he may be permitted to avail the revisional remedy before the Divisional Commissioner, Patna by filing a revision application within a period of 30 days from today.

Learned counsel submits that neither the licensing authority nor the appellate authority has looked into that part of the report of the Assistant District Supply Officer where he has



recorded that no any discrepancy was found with the stock of the shop in question, therefore, learned counsel for the petitioner prayed for a direction to the revisional authority that in case a revision application is filed, the Revisional Authority shall look into the report of the Assistant District Supply Officer as regards the finding that there were no discrepancy in the stock of the shop.

Having heard learned counsel for the petitioner and State, this court permits the petitioner to file a revision application within a period of 30 days from today.

In case such a revision application is filed, it will be open for him to place all such materials on which he wants to rely before the Divisional Commissioner, Patna and the Divisional Commissioner, Patna is directed to look into all such issues which will be raised by the petitioner including that the Assistant District Supply Officer in his report had not found any serious irregularities in the matter of stock of the shop in question.

The revision application shall be disposed of within a period of 90 days from the date of it's filing.

In case any question of limitation arises for consideration, the same will be considered keeping in mind that



the petitioner had moved this court under some bona fide belief.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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