

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16666 of 2018

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Sulekha Devi W/o Gauri Sah, resident of Village +P.O. + Panchayat- Rajala,
P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Food and Civil Supply Department, Bihar, Patna
2. Sub-Divisional Magistrate, West Muzaffarpur.
3. Incharge Block Supply Officer, Kudhani.
4. Block Development Officer, Kudhani.
5. District Magistrate, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kishore Shahi, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-05-2019

Heard learned counsel for the petitioner and learned AC
to SC 4 for the State.

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

“ That this is an application for issuance of a writ or writs in the nature of certiorari for quashing the memo no. 902, dated 23.7.2018 issued under the signature of respondent no. 2, sub-Divisional Magistrate, West, Muzaffarpur, whereby and where under the Licence of the petitioner has been cancelled without considering the reply of show cause, without supply of enquiry report, on such enquiry conducted by the Block Supply Officer, Kudhani as well as Block Development Officer, Kudhani (respondent no. 3 and 4). the said cancellation is based on such enquiry of both respondent no. 3 and 4 Block Supply Officer, Kudhani, and Block Development



enquiry officer, Kudhani stating there in that on enquiry shop was closed and quantity of rice and wheat and K. oil is not mentioned on the Board.”

3. The petitioner had a licence for running a shop under the Public Distribution System. However, on 21.06.2018, his shop was found closed and there was no display with regard to the materials and the quantity which were available in the shop. After notice and hearing, the licence has been cancelled by the order impugned dated 23.07.2018 by the respondent no. 2.

4. 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 District Magistrate.

5. In view thereof, as prayed for by learned counsel for the petitioner, the writ petition stands disposed off as withdrawn with liberty aforesaid.

6. As the period of filing of the statutory appeal under Rule 32 (iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 is 30 days and the petitioner had moved this Court within time, the Court, in the interest of justice, deems it appropriate to observe that if an appeal is filed within 30 days from today, the same shall be disposed off, in accordance with law, without being prejudiced by the present order.



7. For the sake of convenience, let the District Magistrate, Muzaffarpur be impleaded as respondent no. 5. 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. 5.

(Ahsanuddin Amanullah, J)

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