

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.716 of 2020

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Adhik Lal Yadav Son of Late Ganesh Prasad Yadav @ Ganesh Yadav
Resident of Village- Ghasia, P.S.- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate Banka.
4. The District Supply Officer Banka.
5. The Sub- Divisional Officer Banka, District- Banka.
6. The Block Supply Officer Dhoraiya, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Respondent/s : Mr.Arvind Ujjawal, SC-4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-01-2020 The petitioner has challenged the order dated 26.11.2019 passed by Sub-Divisional Officer, Banka whereby the license of the petitioner has been cancelled.

Mr. Pramod Mishra, learned Advocate submits that a very short time was given to the licensee to explain his cause and he has further argued that even the grounds which were prepared by him hurriedly in order to file such reply within the short time allowed to him have also not been



considered objectively and in proper perspective.

Since the petitioner has already filed his reply, it would be difficult to test the correctness of the order on the ground now that a very short time was granted to him for furnishing the reply to the show-cause notice. The issue of the grounds not having been considered in correct perspective is a matter which can be tested in appeal, which has been provided for under Bihar Targeted Public Distribution System (Control) Order, 2016.

Regard being had to the aforesaid facts, this Court is not inclined to entertain the present writ petition, but grants liberty to the petitioner to prefer an appeal, even though the statutory period for preferring the appeal has lapsed, within a period of four weeks from today. The petitioner shall have the liberty of raising such grounds in his favour which have not been urged before the Sub-Divisional Officer as he was provided with a very short time but such grounds should be existing at the time when notice was issued to him. On receipt of the aforesaid memo of appeal, the Appellate Authority shall take into account every aspect



of the matter and shall pass a reasoned order within a period of sixty days thereafter and shall communicate the decision to the petitioner forthwith.

The petition stands disposed of with the aforesaid liberty.

(Ashutosh Kumar, J)

Prakash Narayan /-

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