

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3253 of 2020

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Ram Kishun Ram son of Late Mahavir Ram resident of Village- Ward no. 8
School Road near Masjid Amarakh P.S.- Maniyari, Dist- Muzaffarpur,
Presently Cancelled, P.D.S. Dealer Amarakh Panchayat Block- Kudhani, Dist-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar its Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. The Sub- Divisional Magistrate, West, Muzaffarpur.
3. The Block Co-operative Officer, Kudhani.
4. The Incharge Block Supply Officer, Kudhani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kishore Shahi, Advocate
For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-02-2020 The petitioner has challenged the order dated

14.10.2019 contained in memo No. 64 under the

signature of Sub-Divisional Officer, West, Muzaffarpur

whereby the PDS license of the petitioner has been

cancelled.

The aforesaid order has been assailed on

several grounds but primarily for the reasons that the

enquiry report of Co-operative Officer has been relied

upon, who is not an authority under the Public



Distribution System, to submit any report.

The other ground for challenge is that the show-cause explanation offered by the petitioner has not at all been adverted to and been considered.

Lastly, it has been submitted that before the order impugned, F.I.R was instituted against the petitioner and in that event, since no order was passed by that time on the enquiry report, it was incumbent upon the authorities to adhere to the provisions contained in under Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

These grounds can very well be urged before the Appellate Authority.

This Court, on perusing the impugned order, is of the view that in the event of such provision being available to the petitioner and not having been exhausted, the petitioner be relegated to the Appellate Authority for the needful.

Should the petitioner prefer an appeal against



the order impugned in the present petition within a period of two weeks, the same shall be entertained by the Appellate Authority who shall, after affording hearing to the petitioner, pass a reasoned order in accordance with law within a further period of sixty days thereafter.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

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