

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.936 of 2019**

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Surendra Giri S/o Ramashra Giri, Resident of Village- Gochhi, P.O.-  
Keshariya, P.S.- Keshariya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, East Champaran, Motihari.
3. The Sub Divisional Officer, Chakiya, East Champaran.
4. The Additional District Supply Officer, Chakiya, East Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.  
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      06-10-2020                      Heard Mr. Dhananjaya Nath Tiwari, learned counsel  
  
for the petitioner and Mr. Upendra Pratap Singh, AC to SC 4  
  
through Video Conferencing.

The petitioner has filed this writ petition for setting  
aside the order dated 28.08.2018 as contained in Memo No.17  
(Annexure 3) whereby the Sub-Divisional Officer, Chakiya,  
East Champaran cancelled the P.D.S. licence of the petitioner.

Learned counsel for the petitioner submits that  
without taking into consideration the facts stated in the show-  
cause, the licence of the petitioner has been cancelled. There  
are several judgments of this Court that if the show-cause filed  
by the petitioner is not considered, it vitiates the order



cancelling the licence but it appears that the petitioner has got statutory remedy of appeal before the Collector but the petitioner has not filed the statutory appeal.

Having considered the facts, I dispose of the writ petition with liberty to the petitioner to present statutory appeal before the Collector, East Champaran, Motihari against the order cancelling the licence of the petitioner. The Collector, East Champaran, Motihari is directed to dispose of the appeal of the petitioner within three months from the date of presentation of such appeal after considering all the grounds taken by the petitioner. If the appeal is not disposed of within the stipulated time, the order cancelling the licence of the petitioner shall stand revoked.

With the aforesaid directions, this writ petition stands disposed of.

**(Prabhat Kumar Jha, J)**

Harish/-

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