

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5696 of 2020

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Chandeshwar Prasad Yadav, S/o Shri Gokhul Prasad Yadav, Resident of Ward
No. 6, Parsa Dumariya, P.S.-Majhulia, District-West Champaran, Bettiah.

... .. Petitioner

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 Collector, West Champaran, Bettiah.
4. The Sub Divisional Officer-cum-Licensing Authority, Bettiah Sadar, West Champaran, Bettiah.
5. The Asst. District Supply Officer-cum-Block Supply Officer, Majhulia, West Champaran, Bettiah.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ritesh Kumar, Advocate.
For the Respondents : Mr. Arvind Ujjwal, S.C. 4.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioner and learned
counsel for the State.



The following reliefs have been sought for on behalf of the petitioner in the present case.

“1 (I) For setting aside Memo No. 594 dated 22.04.2020 issued under the signature of the Sub Divisional Officer-cum-Licensing Authority, Bettiah Sadar, whereby and whereunder the P.D.S. License of the petitioner granted under Bihar Public Distribution System (Control) Order, 2016 bearing License No. 77 of 2016 has been cancelled on erroneous ground.

(II) For commanding the respondents to immediately start giving allotment of food grains and Kerosene Oil to the petitioner after quashing Memo No. 594 dated 22.04.2020 and to not interrupt supply/allotment to the petitioner.”

The petitioner has preferred the present writ application challenging the cancellation of his P.D.S. License No. 77/2016.

The petitioner has relied upon an order of the Division Bench of this Court passed in L.P.A. No. 499 of 2018 dated 10.07.2018. It has been submitted on behalf of the petitioner that the order of cancellation of license is in violation to the order as referred above.

Learned counsel for the State, Mr. Arvind Ujjwal, S.C. 4, submits that there is statutory appeal provided under the Statute. The petitioner may prefer an appeal before the Appellate Authority.



Considering the fact that the petitioner has alternative remedy, the petitioner is directed to file an appeal before the Appellate Authority within a period of six weeks. If any such appeal is filed by the petitioner before the Appellate Authority, the Appellate Authority shall consider the case of the petitioner, in light of the order passed by the Division Bench of this Court passed in L.P.A. No. 499 of 2018 dated 10.07.2018, and pass an appropriate order, in accordance with law, within a period of four months, from the date of filing of such appeal.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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