

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7781 of 2020

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1. Anwal Primary Agriculture Credit Cooperative Society P.O.- Anwal, P.S.- Kopa, District- Saran at Chapra through the Chairman.
 2. Jai Prakash Singh Son of Late Ramdayal Singh Resident of Village- Anwal, P.O.- Anwal, P.S.- Kopa, District- Saran at Chapra, presently Chairman of Anwal Primary Agriculture Credit Cooperative Society, P.O.- Anwal, P.S.- Kopa, District- Saran at Chapra.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Consumer and Food Protection Department, Government of Bihar, Patna.
2. The District Magistrate Saran at Chapra, District- Saran at Chapra.
3. The District Supply Officer Saran at Chapra, District- Saran at Chapra.
4. The Sub- Divisional Officer Sadar- Chapra, District- Saran at Chapra.
5. The Circle Officer Jalalpur, District- Saran at Chapra.
6. The Block Supply Officer Jalalpur, District- Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioners : Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondent-State: Mr. Arvind Ujjawal, SC-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGEMENT

Date: 23-09-2020

Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

2. The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary



situation, filing of the present application has been allowed through email.

3. Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

4. Heard Mr. SBK Mangalam, learned counsel appearing for the petitioners and Mr. Arvind Ujjawal, learned counsel appearing for the State.

5. The petitioners seek following reliefs in the present writ petition:-

- (i) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 18.06.2020 passed by the respondent no. 4 and issued under his memo no.4055 dated 25.06.2020 whereby and whereunder the respondent no. 4 has been pleased to cancel the petitioners' license under the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as Control Order, 2016)
- (ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities for restoration of petitioners' Public Distribution System (hereinafter referred



to PDS) License and supply of food grains of the consumers attached with the said P.D.S. Shop on the ground that the order canceling the license has been passed by the respondent no. 4 in utter disregard to the principles of natural justice as also the provisions contained under Section 27(ii) of the Control Order, 2016.

- (iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.

6. In view of availability of an equally efficacious statutory remedy of appeal under the Bihar Targeted Public Distribution System (Control) Order, 2016, I am not inclined to entertain the present writ petition. It is disposed of with liberty to the petitioners to assail the impugned order by way of filing an appeal before the concerned Collector.

7. In case, an appeal is filed before the appellate authority within ten days from today, the appellate authority shall be required to hear the same on merits and shall also be required to dispose of the same as early as possible, preferably within three months from the date of its filing.



8. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. SBK Mangalam, learned counsel for the petitioners also on his email.
- (v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without



compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2020
Transmission Date	NA

