

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7789 of 2020

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Pramod Singh Son of Sri Dhupan Singh, resident of village and P.O. Hasulahi, P.S. Kopa, District-Saran at Chapra, presently Chairman of Primary Agriculture Credit Cooperative Society, Deoria, P.O. and P.S. Deoria, Block-Jalalpur, District-Saran at Chapra.

... .. Petitioner

Versus

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

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondent-State:		Mr. Prashant Pratap, GP-2
		Mr. Gyan Shankar, AC to GP-2

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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 petitioner and Mr. Gyan Shankar, learned counsel appearing for the State.

5. The petitioner seeks following reliefs in the present writ petition:-

- (i) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 12.04.2020 passed by the respondent no.5 and contained in his memo no.2433 dated 12.04.2020 whereby and whereunder the respondent no. 5 has been pleased to cancel the license of the petitioner under the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as Control Order, 2016) on the ground that certain irregularities were reported against the petitioner by the respondent nos. 6 and 7 when they had inspected the petitioner's shop on 26.03.2020 along with the Station Head



Office of Kopa Police Station.

- (ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities for restoration Public Distribution System (hereinafter referred to PDS) License which was granted to the Cooperative Society which itself is a body corporate within Section 13 of the Bihar Cooperative Societies Act, 1935 as also to restore the supply of the consumers attached with the said PDS shop.
- (iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner 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 petitioner 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 petitioner 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

