

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8300 of 2020

Sanjay Kumar Singh, Son of Sudama Singh, R/o Village- Bindgawa, P.S. Barahara, District Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State of Bihar, through the Collector-cum-District Magistrate, Bhojpur at Ara.
2. The Addl. Collector, Bhojpur at Ara.
3. The District Supply Officer, Bhojpur at Ara.
4. Sub-Divisional Officer (Supply), Bhojpur at Ara.
5. Block Supply Officer, Barahara, District Bhojpur at Ara.
6. Block Supply Inspector, Barahara, District Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Prashant Pratap, G.P.-2

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned Government Pleader No.2 for the respondent-State.

It is submitted by the petitioner's counsel that a detailed show cause has been submitted by the petitioner against



the proposed cancellation of his PDS licence.

The petitioner's specific case is that the FIR, which has been lodged leading to institution of Barahara P.S. Case No.311 of 2018, is based on political considerations since the petitioner had openly protested against the misdeeds in the earlier *Panchayat* election.

In the criminal prosecution, till date charge sheet has also not been submitted. The Sub-divisional Officer, Sadar Ara, however, has proceeded to cancel the petitioner's licence by observing that the petitioner has already been held guilty in the said criminal prosecution.

Apart from these factual infirmities, the Sub-Divisional Officer has also not considered the *mala fide* alleged by the petitioner in his show cause or taken note of any of the submissions raised by the petitioner in his reply to show cause dated 01.07.2019 (Annexure 4).

Learned State Counsel submits that under the Bihar Public Distribution System (Control) Order, 2016, (hereinafter referred to as "the Control Order") the petitioner has remedy of appeal, wherein these factual issues can well be considered by the appellate authority, namely, the District Magistrate, Bhojpur at Ara (Respondent No.1).



The petitioner's counsel submits that for filing an appeal, time-frame is specific in the Control Order and the same may have lapsed while the petitioner was pursuing the remedy in this Court.

Considering the aforementioned facts, this Court would observe that if an appeal is filed by the petitioner within four weeks, the District Magistrate, Bhojpur, Ara (Respondent No.1) shall consider the petitioner's appeal without raising the issue that the same being filed beyond time and proceed to dispose of the same by considering the submissions taken note of herein above, and/or any other submissions the petitioner may raise in his appeal to be filed.

Let the appeal, needless to say, be disposed of by a reasoned and speaking order showing due consideration to the points raised in the appeal within the statutory period as per the Control Order.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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