

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8753 of 2020

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Anil Kumar Poddar, Son of Ram Chandra Poddar, Resident of Village- Chora
Tabhka, Police Station- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Collector, Samastipur.
3. The Sub Divisional Magistrate, Rosera.
4. The Block Supply Officer, Bibhutipur.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-11-2020 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 counsel for the State.

It is submitted by the petitioner's counsel that the order issued by the licensing authority dated 04.05.2020 cancelling the Public Distribution System (P.D.S.) shop licence



of the petitioner be quashed.

The submission of the petitioner's counsel is based on a decision of this Court in the case of ***Ram Ekbal Roy v. State of Bihar & Others***, reported in ***2012(3)PLJR 203***. The facts in the case, which has been relied upon by the petitioner, is that after submission of show cause by the licensee in the said proceedings, an enquiry was got conducted and enquiry report was submitted. Relying upon such a report, without making available copy of the enquiry report to the petitioner, the impugned order cancelling the licence had been issued, relying upon the enquiry report and therefore, this Court had quashed the order.

On the Court's specific query whether in the instant case after submission of the show cause, any such enquiry was got conducted and whether there is any prejudice due to non-service of such report, post submission of show cause, the answer of the petitioner's counsel is in the negative. He, however, submits that the order cancelling his PDS licence be quashed and the matter be remitted back to the licensing authority, as the impugned order is factually as well as legally incorrect.

The petitioner has remedy of appeal under Rule 32 of



the Bihar Targeted Public Distribution System (Control) Order, 2016. It will be open to him to avail the remedy of appeal. In case the petitioner files appeal within three weeks, without raising any issue of delay, petitioner's appeal be considered on its merits.

The writ petition is dismissed.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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