

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21213 of 2019

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Sumitra Devi W/o Jagannath Rai Resident of Village- Keotasa, Panchayat-
Munni Bangari, P.S.- Piar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector Muzaffarpur.
3. The Sub Divisional Officer (East) Muzaffarpur.
4. The Block Supply Officer Bandara, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-02-2020

Heard the learned counsel for the petitioner and
the State.

The petitioner has challenged the order dated
09.10.2019 passed by the Sub-Divisional Officer (East),
Muzaffarpur, whereby the license of the petitioner has
been cancelled.

Learned counsel for the petitioner has raised
several issues including that even though a show-cause
notice was given to her on 14.06.2019 to which she had



replied but the shop of the petitioner was again inspected and an inspection report was submitted by the Block Supply Officer, Bundara to the licensing authority.

The submission raised on behalf of the petitioner is that the show-cause reply was only with respect to an allegation which was levelled against her in connection with black-marking of essential items in the month of April, 2019. Any further charge required a fresh notice to the petitioner. That not having been done, the order suffers from the vice of an order having been passed without confronting the petitioner with the new allegation.

These issues can be agitated by the petitioner before the appellate authority. Any disputed fact cannot be looked into in this writ petition. More so, when provision of appeal has been provided under the Bihar Targeted Public Distribution System (Control) Order, 2016.

Should the petitioner prefer an appeal against the order impugned before the appropriate authority within a period of 60 days, the same shall be entertained and shall



be disposed off in accordance with law by a reasoned order after taking into account all the grounds urged by the petitioner in the memo of appeal, within a further period of 60 days.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	14.02.2020
Transmission Date	

