

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5368 of 2021

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Surendra Paswan son of Late Yogendra Paswan Resident of Village Basuara,
Block Rahika, P.S. Madhubani Town, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection,
Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer Sadar, Madhubani.
4. The Block Supply Officer, Rahika, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1) For quashing the order dated 21/12/2020 communicated vide Memo no. 978 passed by Sub divisional officer, Sadar , Madhubani as contained in annexure 3 by which P.D.S Licence no. 43/2017 has been cancelled on the ground that the petitioner has violated the duty and responsibility of public distribution dealer in operation of shop as mentioned in clause 14 of Bihar Targeted public distribution control order 2016 (herein after referred as to control order 2016) ignoring the statutory provision as mentioned in clause 27 (ii) of the control order as well judgment of this Hon'ble court since reported in 2018 (4) P.L.J.R 516 .



- II) For a direction to the Respondents to restore the P.D.S Licence No. 43 / 2017 and continue with the supply of food grains and other items covered with the Licence so that petitioner can continue to his P.D.S shop for his livelihood.
- III) For any other relief /reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.

Before us, it is not in dispute that petitioner has got an equally alternate efficacious remedy as provided under the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016.

In this view of the matter, learned counsel states that petitioner shall be content, if petitioner is permitted to prefer an appeal with a direction for the same to be disposed of expeditiously.

Liberty, as prayed for, is granted.

As and when any such appeal is preferred, the same shall be considered and decided expeditiously by the appellate authority assigning reasons within two months thereafter, copy whereof shall be supplied to the petitioner.

Learned counsel appearing on behalf of the State, states that if the appeal is preferred by the petitioner within next two working weeks, the issue of limitation shall not be allowed



to come in the way and the appeal shall be heard on merit.

We have not expressed any opinion on merits of the matter. All issues are left open including the binding effect of the decision rendered by this Court in the case of **Ram Bachan Ram Vs. the State of Bihar & Ors** reported in **PLJR 2018(4) 516**.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

