

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5511 of 2021

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Mina Kumari, Wife of Jagmohan Ravidas and daughter of Dipan Mochi,
Resident of Village-Malama, P.S.-Hilsa, District-Hilsa,

... .. Petitioner/sersus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Nalanda at Biharsharif.
3. The Licensing Authority-cum-Sub-Divisional Officer, Hilsa, Nalanda.
4. The Block Supply Officer, Hilsa, Nalanda.

... .. Respondents

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Appearance :

For the Petitioner	: Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Bhola Kumar, Advocate
For the Respondents	: Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 29-10-2021

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference. Learned counsel for the petitioner hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The present writ petition has been filed *"for quashing the order dated 11.12.2020 passed by the learned Collector, Nalanda in Supply Case No. 05/2019 (Annexure-5) by which the learned Collector upheld the order of cancellation of licence of the petitioner; and further quashing the order dated 04.01.2019 (Annexure-3) passed by learned Sub-Divisional Officer, Hilsa whereby the Sub-*



Divisional Officer cancel the licence of the petitioner vide licence no. 32/2007."

3. Learned Senior counsel Mr. Ashok Kumar Choudhary submits that there is defect in the show cause notice itself which rendered the entire proceeding resulting in cancellation of the petitioner's PDS licence as illegal. Such order of cancellation dated 05.01.2019 passed by the Sub-Divisional Officer, Hilsa was carried in appeal, which was also dismissed on 11.12.2020. The petitioner has then approached this Court in its writ jurisdiction.

4. Learned counsel for the respondents appears and raises a preliminary objection on the ground of availability of alternative remedy by way of revision before the Divisional Commissioner in terms of Rule 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

5. Having heard the parties and in view of availability of alternative remedy which has not been disputed by the petitioner, this Court is not inclined to enter into the merits of the contentions of the petitioner. The writ petition stands dismissed with liberty to the petitioner to approach the revisional authority, if so advised, for redressal of her grievances.

6. It is made clear that in case such a revision petition is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.



7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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