

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4212 of 2020

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Suresh Prasad S/o Late Bishwa Nath Prasad, Resident of Village -
Dharampur, P.S. Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Consumer Protection Department, Old Secretariat, Patna.
2. The SDO, Sadar Gaya.
3. The District Supply Officer, Gaya.
4. The Block Supply Officer Fatehpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agarwal, Sr. Advocate Mr.Vijay Anand, Advocate
For the State	:	Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 08-04-2021

Heard learned counsel for the petitioner as well as learned counsel for the respondents through video conference.

2. The present writ petition has been filed “for challenging the order dated 13.11.2019 passed by learned S.D.O. Sadar Gaya fully contained in Memo No. 1088 whereby and whereunder the PDS license of the petitioner being License no.23/2007 (old), 16/2016 (New) for carried out the Public Distribution Shop within the Panchayat Meyari, Block Fatehpur, District Gaya was cancelled on the ground that petitioner has failed to respond over the show cause dated 11.10.2019.”

3. Mr. N.K.Agarwal, learned Senior Counsel appears and submits that a show cause notice dated 11.10.2019 (Annexure-1) was issued, but however, the petitioner could not file his show cause within the stipulated time and as



such, the order of cancellation of the PDS licence dated 13.11.2019 (Annexure-3) was passed.

4. Learned counsel for the States appears and submits that the petitioner has adequate remedy under Rule 32 (iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

5. Having heard the parties, this Court is not inclined to enter into the merits of the matter in view of the statutory remedy by way of an appeal available to the petitioner, more so as the petitioner has not made out a case of insufficient opportunity having been granted in violation of the principles of Natural Justice.

6. The writ petition is accordingly disposed of with liberty to the petitioner to approach the appellate authority.

7. It is made clear that in case such an appeal 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.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	09. 04.2021
Transmission Date	-

