

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6638 of 2020

Chhote Lal Ram Son of Late Mahanth Ram, Resident of Village- Raibari
Mahuawa, Police Station- Chautarwa, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Bettiah, West Champaran.
3. The Licensing Authority-Cum-Sub Divisional Officer, Bagaha, West Champaran.
4. The District Supply Officer, West Champaran, Bettiah.
5. The Block Supply Officer, Bagaha-1, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. S.Raza Ahmad, AAG-5

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

Date : 23-11-2021

Heard learned counsel for the parties.

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

1. That this is an application for issuance of an appropriate writ and/ or order and/ or direction for quashing the order dated 15.11.2019 passed by the Commissioner, Tirhut Division , Muzaffarpur in P.D.S. Revision Case No. 108/2019 whereby the learned Commissioner has been pleased to confirm the order dated 16.03.2019 passed by the Collector,



West Champaran , Bettiah in Case No. C.R.M. 35/2014-15 as well as the order dated 20.02.2015 passed by the Sub-divisional Officer-cum-Licensing Authority, Bagaha in Case No. 02/2015. The licensing authority cum Sub-divisional Officer, Bagaha has cancelled the P.D.S. License No. 08/2008 issued in the name of the petitioner by order dated 20.02.2015.

We are in agreement with the submissions made by learned counsel appearing for the petitioner that three days period to respond to the show cause notice bearing Memo No. 35 dated 31.01.2015 (Annexure-1) [Page-13], was insufficient for placing on record materials in support of his case. We notice that neither the Appellate Authority nor the Revisional Authority has dealt with this aspect in their order while dismissing the petitioner's appeal/revision.

As such, on this short ground alone, we quash and set aside the order dated 20.02.2015 passed by the Sub Divisional Officer-cum-Licensing Authority, Bagaha in Case No. 02/2015 (Annexure-3); order dated 16.03.2019 passed by the Collector, West Champaran, Bettiah in Case No. C.R.M. 35/2014-15 (Annexure-4) and the order dated 15.11.2019 passed by the Commissioner, Tirhut Division, Muzaffarpur in P.D.S. Revision



Case No. 108/2019 (Annexure-5) remanding the matter back to the Licensing Authority for passing a fresh order in accordance with law.

Since the matter pertains to the year 2015, petitioner shall appear before the appropriate authority on 14.12.2021, on which date, he shall also file a detailed response and place on record materials in support of his case.

The appropriate authority shall pass a fresh order assigning reasons within a period of four weeks thereafter.

In the meanwhile, *status quo*, as on date, shall be maintained.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2021
Transmission Date	

