

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9075 of 2020

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Shabnam Kumari W/o Dinesh Das, Resident of Village-Kewatgama,
Panchayat-Kewatgama P.S.-Kusheshwarasthan, District-Darbhanga.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 22-03-2021 1. The present writ petition has been filed for setting aside the order dated 07.05.2020, passed by the Sub-Divisional Officer, Biraul (Darbhanga), whereby and whereunder the licence of the P.D.S. shop of the petitioner bearing Licence no. 17 of 2018 has been cancelled.
2. The learned counsel for the petitioner has submitted that the inspection of P.D.S. shop of the petitioner has been conducted by the Deputy Collector, Land Reforms, Biraul who is not an authorized Officer to conduct inspection, hence the order passed by the Sub-Divisional Officer, Biraul dated 07.05.2020 is contrary to law, nonetheless, the learned counsel for the petitioner has submitted that since there is statutory



remedy of filing an appeal under ***Rule 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016***, the petitioner would be approaching the appellate authority against the order dated 07.05.2020.

3. Having regard to the facts and circumstances of the case and taking into consideration the materials available on record, I deem it fit and proper to dispose of the present writ petition, however with liberty to the petitioner to file appropriate appeal against the order dated 07.05.2020, passed by the Sub-Divisional Officer, Biraul and in case, appropriate appeal is filed within a period of four weeks from today, the same shall be considered by the appellate authority and shall be disposed of in accordance with law, without being impeded by the issue of limitation as also considering the aforesaid issue raised by the learned counsel for the petitioner, within a period of eight weeks thereafter.

(Mohit Kumar Shah, J)

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