

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7564 of 2020

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Alok Kumar Son of Ram Shreshth Ray Resident of Village-Runnisaidpur,
P.S.-Runnisaidpur, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate Sitamarhi, District-Sitamarhi
3. The District Supply Officer, Sitamarhi, District-Sitamarhi
4. The Sub Divisional Officer Cum Licensing Authority, Sitamarhi Sadar, District-Sitamarhi.
5. The Block Supply Officer, Block-Runnisaidpur, District-Sitamarhi.
6. The Block Supply Officer, Block-Majorganj, P.S.-Majorganj District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Chandra
For the Respondent/s : Mr.Prashant Pratap, GP-2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 13-04-2021 This case has been taken up *online* because of COVID-19 pandemic restrictions.

2. The petitioner has questioned the correctness of an order dated 02.05.2020, issued by the Sub-Divisional Officer, Pupri-cum Licensing authority, whereby, the petitioner's licence to run a PDS shop has been cancelled. From the impugned order, it transpires that deficiency found in the stock of the petitioner's shop was the reason why the licensing authority has cancelled the petitioner's licence.



3. Learned counsel appearing on behalf of the petitioner has submitted that though a specific stand was taken by the petitioner before the licensing authority in response to the show cause notice issued to him for cancellation of licence that the said deficiency in the stock was because of COVID-19 pandemic situation prevailing in the area, where the petitioner had to distribute food grains on urgent basis, the said defence has not been properly looked into by the licensing authority while issuing the impugned order. He has further submitted that the finding recorded by the licensing authority contrary to the stand taken by the petitioner is not sustainable and, therefore, this Court may interfere with the impugned order.

4. On perusal of the impugned order, I find that the licensing authority has recorded his opinion that the stand taken by the petitioner as aforesaid was imaginary and not at all acceptable.

5. Be that as it may, the petitioner had alternative remedy of appeal under the Bihar Targeted Public Distribution System (Control) Order, 2016, which he did not avail before approaching this Court, seeking quashing of the said order.

6. Considering the facts and circumstances and the submission advanced on behalf of the petitioner, this application



is disposed of with a liberty to the petitioner to prefer appeal before the appellate authority against the impugned order with an application seeking condonation of delay in filing the appeal. If the petitioner files appeal within thirty days from today, the appellate authority shall consider the petitioner's prayer for condonation of delay liberally, keeping in mind the fact that the petitioner had to rush to this Court under the prevailing situation, by filing present writ application and decide the petitioner's appeal on merits, preferably within two months from the date of filing of the appeal.

7. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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