

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8551 of 2020

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Suryadeo Sharma, aged about 75 years, Male, Son of Late Ram Prasad Sharma, Resident of Village-Fatehpur Phulwaria, PS-Sarai, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Vaishali.
3. The Sub Divisional Officer, East Mahua, Vaishali.
4. The Block Supply Officer, Rajapakar, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N K Agrawal, Sr. Advocate with
Mr. Dhananjaya Nath Tiwari, Advocate

For the State : AC to SC 4

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 08-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. N K Agrawal, learned senior counsel along with Mr. Dhananjaya Nath Tiwari, learned counsel for the petitioner and learned AC to SC 4 for the State.

3. The petitioner has moved the Court for the following reliefs:



“That the present writ application is being filed on behalf of the sole petitioner above named for setting aside the order contained in memo no. 504/Aa. dated 13.05.2020 passed by the Sub-Divisional Officer, East Mahua, by which the PDS licence of the petitioner, bearing Licence No. 08/2016 has been cancelled and further be pleased to restore the licence and supply of the petitioner.”

4. After some arguments, in view of the fact that there is a statutory remedy of appeal against the order impugned before the Collector, Vaishali (respondent no. 2), the Court deemed it appropriate that the petitioner should first approach the said forum.

5. Learned counsel for the petitioner submitted that the Court may protect the interest of the petitioner so that the appeal which he would file is heard on merits since the statutory period for filing the appeal has now elapsed.

6. Learned counsel for the State does not oppose.

7. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to move before the respondent no. 2 against the order impugned. If the same is done within four weeks from today, the respondent no. 2 shall hear the appeal on merits and dispose off the same within two months, as prescribed under the statute.

8. It goes without saying that the petitioner is free to raise all points available to him which shall be duly considered, in



accordance with law, by the respondent no. 2, while passing the order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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