

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8653 of 2020

Chotelal Paswan Son of Late Ganpat Paswan, Resident of Village-Govindpur,
Block-Piprakothi, P.S.-Turkauliya, District-East Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, District-East Champaran, Motihari.
3. The District Supply Officer, Motihari, District-East Champaran, Motihari.
4. The Sub-Divisional Officer, Sadar, District-East Champaran, Motihari.
5. The Block Supply Officer-Cum-Block Development Officer, Piprakothi, District-East Champaran, Motihari.
6. The Block Supply Inspector, Sadar, District-East Champaran, Motihari.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-04-2021 The matter has been taken up for hearing *on-line* because of COVID-19 pandemic restrictions.

The petitioner has put to challenge an order dated 20.02.2020 (Annexure-6), whereby the Sub-Divisional Officer, Sadar, East Champaran, has cancelled petitioner's P.D.S. Fair Price Shop Licence No. 220002/07. It is the petitioner's case that it was mandatory for the licensing authority to have mentioned in the show cause notice the proposed action of cancellation of licence in accordance with Rule 27(ii) of Bihar Targetted P.D.S. (Control) Order, 2016.

Learned counsel appearing on behalf of the petitioner,



with reference to the show cause notice, which was issued to the petitioner dated 17.10.2019, has submitted that evidently it was not indicated therein that licensing authority was proposing to cancel the licence. Relying on a Division Bench decision of this Court in case of ***Ram Bachan Ram Vs. The State of Bihar and others***, reported in **2018(4) PLJR 516**, he has submitted that the impugned action is unsustainable.

The order, which has been challenged in the present writ application, is appellable. It has been stated in paragraph 13 of the application that the petitioner has preferred an appeal before the appellate authority giving rise to Appeal Case No. 38/2020, which is still pending before the District Magistrate, East Champaran.

Considering the facts and circumstances of the case, this application is disposed of with a direction to the District Magistrate, East Champaran, to dispose of petitioner's appeal within a period of two months from today. While disposing of the petitioner's appeal, the District Magistrate shall be duty bound to consider the Division Bench decision of this Court in case of ***Ram Bachan Ram*** (supra).

(Chakradhari Sharan Singh, J)

Pawan/-

U			
---	--	--	--

