

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8767 of 2020

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Satya Narayan Choudhari, Son of Badri Choudhari, resident of Village Dumra Rajwa, Panchayat Devra, Block and P.S. Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food and Civil Supplies, Patna.
2. The District Magistrate-cum-Collector, Samastipur.
3. The Sub-divisional Officer, Rosera Sub-division, District Samastipur.
4. The Block Supply Officer, Hasanpur Block, District Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Ashok Kumar Mishra, Advocate
For the S t a t e : Mr.Arvind Ujjwal, S.C.-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 09-02-2021 The writ petition has been filed assailing order of the Sub-Divisional Officer dated 04.05.2020, whereby and whereunder the petitioner's Public Distribution System (PDS) Licence has been cancelled.

The petitioner's counsel submits that the order is without considering the various points urged by the petitioner before the authority.

In the writ petition, however, a ground has been taken in paragraph 6 that he was not served with show cause notice and that he was not provided ample opportunity to defend himself. In the writ petition, there is no averment to the extent that the points urged by the petitioner were not considered by



the Sub-Divisional Officer. The submissions therefore in today's proceedings, are not based on the pleadings of the writ petitioner in his writ petition.

However, this Court would not make any observations on the merits of the submissions advanced by the petitioner and if the petitioner is aggrieved by the order of the Sub-Divisional Officer on account of non-consideration of the points urged, the petitioner has remedy under the Bihar Targeted Public Distribution System (Control) Order, 2016 (in short "Control Order, 2016") by way of appeal before the District Magistrate.

The learned State Counsel submits that had the petitioner availed of the remedy of appeal provided under paragraph 32 of the Control Order, 2016, the same could have been considered. The State Counsel also submits that now the remedy of appeal may be barred by time in view of the provisions contained in the Control Order.

This Court would observe that if the petitioner avails the remedy of appeal within four weeks, the Collector shall consider the same and pass orders, in accordance with law, without raising any objection on the ground of the same having been filed by delay.

The writ application is disposed of.



This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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