

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9765 of 2020

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Ramu Sah @ Ramu Prasad Sah son of Nathuni Prasad Sah resident of
Village- Morkahi, Ward No. 5, Sihma, P.S. Bithan, 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, Bithan Block District Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 15-11-2021 The present petition has been filed seeking quashing of the order dated 30.04.2020, passed by the Sub Divisional Officer, Rosera, Samastipur, whereby and whereunder the P.D.S. license of the petitioner bearing License no. 434 of 2016 has been cancelled.

The learned counsel for the petitioner has submitted that the impugned order dated 30.04.2020 is arbitrary, hence is fit to be quashed.

We find that admittedly, there is a provision of appeal under *Rule 32(iii) of Public Distribution System (Control)*



Order, 2016, however the petitioner has not availed the said alternative remedy. On a query being made to the learned counsel for the petitioner that as to whether the petitioner would like to prefer an appeal against the impugned order, the learned counsel for the petitioner submits that the petitioner would definitely file an appeal, however a stipulated time frame be fixed for disposal of the same.

Having regard to the facts and circumstances of the case, we deem it fit and proper to grant liberty to the petitioner to file appropriate appeal within a period of two weeks from today, which shall be disposed of by the learned Collector, Samastipur, within a period of eight weeks, thereafter.

The writ petition stands disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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