

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8030 of 2020

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Nandkishore Paswan, Son of Sanik Paswan, Resident of Village- Katersar,
P.S.- Bihta, District- Patna, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate Patna.
3. Sub Divisional Officer Danapur, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondents-State: Mr. Lala S.N. Rai, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-01-2021

The petitioner has filed the instant application under Article 226 of the Constitution of India for the following reliefs:-

- (i) For issuance of an appropriate writ in the nature of certiorari quashing the order dated 31.12.2018 passed by Respondent no.3 by which the license no.5/2016 of the petitioner under public distribution system was cancelled.
- (ii) And the petitioner further prays to restore the license no.5/2016 of the petitioner forthwith.
- (iii) For direction upon the respondent no.2 to dispose of appeal no.47 of 2018-19 filed on 29.01.2019.
- (iv) Any other order or orders as your lordships may deem fit and proper and in the



fact and circumstances of the case.

2. At the outset, it is submitted by the learned counsel for the petitioner that he is not pressing relief nos. (i)(ii) & (iv). He confines his prayer for issuance of direction upon the respondent no.2 to dispose of Appeal No.47 of 2018-19 filed by the petitioner on 29.01.2019.

3. It has been pleaded that the petitioner was a PDS license dealer and was discharging his duty to the full satisfaction of his beneficiaries. Vide order dated 31.12.2018, the respondent no.3 cancelled his PDS License No.5/2016 against which he preferred an appeal vide EC Appeal No.47 of 2019 on 29.01.2019 in the court of the learned District Magistrate, Patna.

4. Learned counsel for the State does not oppose the said prayer of the petitioner. He submits that if an appeal is pending before the learned District Magistrate, he would certainly dispose of the same in accordance with law within three months from the date of receipt/production of a copy of the order.

5. In view of the stand taken by the parties, the writ petition is disposed of with a direction to the District Magistrate, Patna that in case Appeal No.47 of 2018-19 filed by the petitioner against cancellation of his PDS License No.5 of 2016



is pending before him, he shall dispose of the same by passing a reasoned order as early as possible, preferably within a period of three months from the date of receipt/production of a copy of the order.

(Ashwani Kumar Singh, J.)

sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2021
Transmission Date	NA

