

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**C.W.J.C. No. 12391 of 2021**

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Anand Shankar Prasad @ Anand Shankar, s/o Srinivas Prasad, r/o  
Maharana Pratap Nagar, New Police Line Ara, PS+PO-Nawada,  
District-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply,  
Government of Bihar, New Secretariat, Patna
2. The District Magistrate, Bhojpur, Ara
3. The Sub-Divisional Officer, Ara, Bhojpur

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kr. Mishra, Advocate  
For the Opposite Party/s: Mr. S. Raza Ahmad(AAG 5)  
: Mr. Alok Ranjan (AC to AAG 5)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL ORDER**

2      10-08-2021      The instant case has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the order dated 26.06.2021, passed by the Sub-Divisional Officer, Sadar, Ara at Bhojpur, whereby and whereunder the P.D.S. licence of the petitioner bearing licence no. 51/2016 has been



cancelled.

The learned counsel for the petitioner has raised a legal issue to the effect that the impugned order dated 26.06.2021 has been passed taking into account the opinion rendered by the Block Supply Officer, Sadar, Ara, which was never supplied to the petitioner, thus the Order dated 26.06.2021 stands vitiated in the eyes of law, more so, since there has been no independent consideration of the case of the petitioner. In this regard reference has been made to a judgment rendered by a co-ordinate Bench of this Court ***dated 30.01.2019***, passed in ***C.W.J.C. no. 1503 of 2019 (Rajendra Pd. Yadav v. The State of Bihar and others)***.

The learned counsel for the respondent- State Sri Alok Ranjan submits that all these issues can be raised by the petitioner by filing appropriate Appeal under ***Rule 32 of the Bihar Targeted P.D.S. (Control) Order, 2016***.

At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to file an appeal before the appellate authority against the order dated 26.06.2021, passed by the S.D.O. Sadar, Ara, however the appellate a

cted to consider the aforesaid legal



issues in its right perspective.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to grant liberty to the petitioner to file appropriate appeal before the appellate authority and in case, such an appeal is filed within a period of four weeks from today, the same shall be disposed of by the appellate authority, by a reasoned and a speaking order, in accordance with law, within a period of eight weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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