

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10993 of 2019

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Samsul Haque Son of Gaffar Miyan, resident of Ward No. 13 Senuawariya
Senuariya P.S. Kangli West Champaran.

... .. 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 West Champaran Bettiah.
3. The Sub Divisional Officer, Narkityaganj West Champaran Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra,Adv
For the State Respondent: Mr.Arvind Ujjwal, S.C.-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-02-2021

Heard the parties.

2. The petitioner had challenged, the impugned order dated 04.09.2018 whereby Public Distribution System Licence of the petitioner bearing No.17 of 2016 was cancelled by the competent authority in CWJC No. 19756 of 2018 on the ground that the impugned order was passed without giving opportunity of hearing to the petitioner and as such suffers from violation of natural justice.

3. The aforesaid ground was taken into notice by the Writ Court in CWJC No.19756 of 2018 and the said writ application was disposed off on 05.02.2019 with liberty to the petitioner to withdraw the same and file statutory appeal. The petitioner filed statutory appeal before the Collector, West



Champaran and by order dated 16.03.2019 contained in Annexure-5, the appeal was dismissed.

4. The petitioner has statutory remedy of revision against the appellate court order as provided in Rule 32 Sub-Rule 6 of the Bihar Targeted P.D.S. (Control Order) 2016. Though the petitioner had availed the statutory remedy of appeal and did not challenge the same before the revisional authority nor has challenged the same before this Court rather the same order, which was under challenge in the aforesaid writ application, has been challenged by filing fresh writ application on the ground that when initial order was bad, the same can be challenged in a successive writ application.

5. Evidently, the present writ application is abuse of the process of the Court, hence it is dismissed with cost of Rs.10,000/- payable in the Victim Compensation Fund.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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