

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8334 of 2020

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Surendra Kumar Sinha Son of Lakhan Singh, Resident of Village - NH2
Nadauna, P.S. - Masaurhi, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The Sub-Divisional Officer, Masaurhi, District- Patna.
3. The Block Development Officer, Masaurhi, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv
		Mr. Manoj Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-02-2021 Heard Mr. N.K. Agrawal, learned senior counsel for

the petitioner and Mr. Upendra Pratap Singh, learned AC to SC-

4.

2. The present writ application has been filed for
quashing order contained in Memo No. 23 dated 01.05.2020
passed by Sub Divisional Officer, Masaurhi, District-Patna by
which PDS License No. 31/2016 of the petitioner has been
cancelled.

3. Learned senior counsel for the petitioner submits
that the petitioner was served with a show-cause (Annexure-2)
alleging therein that the petitioner was indulged in less supply of
food-grains to the consumers and in reply to the same, the
petitioner denied the allegation. Learned counsel submits that



impugned order has been passed in violation of the judgment passed by this Court in the case of *Sharwan Kumar Paswan v. The State of Bihar* as reported in *2017 (4) PLJR 89*.

4. Learned senior counsel further submits that this Court in the aforesaid judgment has held that if the licensee denied the allegation of less supply of food-grains to the consumers, the right course is that the licensing authority is required to call consumers who are aggrieved with and an opportunity should be given to the licensee to cross-examine them. Learned senior counsel next submits that before cancellation of license, the procedure as aforementioned has not been followed by the respondent-authority.

5. On the other hand, learned counsel representing the respondent-authority submits that there is an alternative remedy under Clause-32 of the Bihar Targeted PDS Control Order, 2016 and the petitioner may prefer an appeal raising all these issues before the appellate-authority.

6. Having regard to the submissions made by the parties and taking into consideration the fact that there is an alternative remedy of appeal, this writ application is disposed of with a liberty to the petitioner to challenge the order of cancellation of his PDS license before the appellate-authority



and it goes without saying that if such appeal is filed by the petitioner within three weeks from the date of receipt of the order, the appellate-authority shall dispose of the same preferably within three months, thereafter, taking into consideration all the points raised in the said appeal in accordance with law.

(Anil Kumar Sinha, J)

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