

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10357 of 2019

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Ghanshyam Kumar Mishra, Son of Radha Mohan Mishra, Resident of
Village-Kanthudih, P.S.-Bahera, District-Darbhangha ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
 2. The Collector, Darbhanga, District-Darbhangha
 3. The Sub-Divisional officer, Benipur, District-Darbhangha ... Respondents
- =====

Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Adv.
For the Respondents : Mr. S.Raza Ahmad, AAG V

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 04-02-2021 Heard the parties.

The petitioner has invoked the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India to quash the order, dated 19.01.2019 (Annexure 1), passed by the Subdivisional Officer, Benipur, Darbhanga, whereby the licence of Public Distribution System Shop of the petitioner has been cancelled.

Learned counsel appearing on behalf of the petitioner submits that in fact after inspection of the Public Distribution System Shop of the petitioner, only 24 hours time was granted to the petitioner to file show cause, which is not reasonable. He, further, submits that while the petitioner has filed his show cause within the said stipulated period, but, illegally the licence of Public Distribution System Shop has been cancelled through



the impugned order. Thereafter, petitioner had filed the appeal, bearing P.D.S. Appeal No. 19 of 2019, before the District Magistrate, Darbhanga, but, the same was withdrawn and, thereafter, present writ application is filed.

The order, impugned, in this writ application is appealable under Rule 32(3) of the Bihar Targeted Public Distribution System Shop (Control) order, 2016, before the District Magistrate, as such, I find no reason to entertain the present writ application.

Accordingly, this writ application is **dismissed**. However, liberty is granted to the petitioner to approach the District Magistrate, Darbhanga, under Rule 32(3) of the Bihar Targeted Public Distribution System Shop (Control) order, 2016, by filing the appeal within four weeks of this order, which shall be considered by the District Magistrate, Darbhanga, within ninety days thereafter in accordance with law.

(Rajendra Kumar Mishra, J)

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