

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8501 of 2020

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Mohan Kumar Yadav son of Dharmdev Prasad Yadav resident of Village-
Harna, P.O. Masti Chak, P.S. Dariyapur, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Consumer and Food Protection Department,
Government of Bihar, Patna.
3. The Divisional Commissioner, Saran Division, Chapra.
4. The District Magistrate, Saran at Chapra, District- Saran at Chapra.
5. The District Supply Officer, Saran at Chapra, District- Saran at Chapra.
6. The Sub- Divisional Officer, Sonapur, District- Saran at Chapra.
7. The Block Supply Officer, Dariyapur, District- Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 26-03-2021

Heard learned counsel for the petitioner and learned counsel for the respondents. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The present writ petition has been filed for the following reliefs -

(1) For issuance of an appropriate writ in the nature of Certiorari for quashing for order dated 24.06.2019 passed by the Respondent no. 6 and contained in his memo no. 224 dated 24.06.2019, whereby and whereunder the Respondent No. 6 has



been pleased to cancel the license of the petitioner under Bihar Targeted Public Distribution System (Control) Order, 2016 on the ground that the said order has been passed by the Respondent No. 6 in violation of the principles of natural justice;

(ii) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authorities to restore the license of the petitioner and allow him to lift the food grains for the customer attached with shop on the ground that if the license of the petitioner was cancelled by the respondent no. 6 in utter disregard to the principles of natural justice, the order passed by the licensing authority, the respondent no. 6 cannot be sustained in the eye of law;

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. At the outset this Court takes note that the petitioner has preferred a statutory appeal before the District Magistrate, Saran at Chapra, District Saran at Chapra (respondent no. 4), being Supply Appeal No. 23 of 2019, against the impugned order as contained in memo no. 224 dated 24.06.2019, which is still pending.

4. Learned counsel for the respondents appears and has been heard.

5. In the above view of the matter and with the consent of the parties, the writ petition is disposed of with a direction to the District Magistrate, Saran at Chapra, District Saran at Chapra (respondent no. 4) to consider and dispose of the petitioner's



Supply Appeal 23 of 2019, if still pending, on its own merits and in accordance with law after grant of an opportunity of hearing to the petitioner, expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this judgment.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	31.03.2021
Transmission Date	-

