

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8523 of 2020

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Mohan Tiwary Son of Mathur Tiwary, Resident of Purshottampur Ward No. 11, P.O.-Majharia Shekh, P.S. Majhaulia, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Patna.
2. The District Magistrate-Cum-Collector, West Champaran at Bettiah.
3. The Sub Divisional Magistrate, Bettiah Sadar, District-West Champaran.
4. That Block Supply Officer, Majhaulia, District-West Champaran.
5. The Circle Officer, Majhaulia, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Malay Kumar Choudhary, Advocate Mr.Nilesh Kumar, Advocate
For the Respondent/s	:	Mr.Maruth Nath Roy, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 06-04-2021

Heard learned counsel for the petitioner and learned counsel for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition -

“(i) For issuance of writ in the nature of certiorari to set aside the order dated 26.05.2020 whereby the PDS licence of the petitioner herein has been cancelled arbitrarily and illegally;

(ii) For issuance of writ in the nature of mandamus directing the respondents to restore the supplies to the petitioner



herein;

(iii) For grant of any other incidental and consequential relief to which the petitioner may be found entitled to in the facts and circumstances of the instant case.”

3. Learned counsel for the petitioner invites reference to a judgment of this Court dated 04.12.2018 passed in CWJC No. 15626 of 2018 (Annexure-2) by which the earlier action of the respondents cancelling the PDS licence of the petitioner was quashed with liberty to the respondents to proceed in the matter after supplying a copy of the enquiry report to the petitioner. Learned counsel for the petitioner further submits that yet again the PDS licence of the petitioner has been cancelled without supplying a copy of the enquiry report despite specific direction of this Court. It is stated that the petitioner has moved before the Collector, West Champaran, Bettiah vide License Cancellation Appeal No. CRM-161 of 2020 dated 27.07.2020, which however, remains pending.

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

5. Without going into the detailed merits of the contentions of the petitioner, this Court is of the view that the ends of justice will be met by directing the Collector, West Champaran, Bettiah (Respondent No. 2) to consider and dispose of the petitioner’s License Cancellation Appeal No. CRM-161 of 2020 dated 27.07.2020, 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 eight weeks from the date of receipt/production of a copy of this judgment.

6. The writ petition stands disposed of.

7. 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	07.04.2021
Transmission Date	-

