

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14076 of 2021

aged about 184 B
Kanhaya Lal Das, Son of Late Tej Narayan Das, Resident of
Village- Madhepur Panchayat Madhepur (West), Block-
Madhepur, P.S. Madhepur, District Madhubani.,

....Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhubani.
3. The Sub-Divisional Officer, Jhanyharpur.
4. The Block Supply Officer, Madhepur.

....Respondents

Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Adv.
For the State : Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 04-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social



distancing.

The present writ petition has been filed seeking the following reliefs:-

- (i) For issuance of writ in the nature of certiorari for quashing of order dated 25.5.2019 issued vide memo no. 157 dated 25.5.2019 passed by the Sub-Divisional Officer, Jhanjharpur whereby the license issued to the petitioner under the Public Distribution System has been cancelled without affording any opportunity of hearing in gross violation of Principles of Natural Justice which is wholly illegal and without jurisdiction.
- (ii) For issuance of writ in the nature of mandamus directing the respondent to restore the license granted to the petitioner under the Public Distribution System and resumes to supply of food



grains with immediate effect.

(iii) For issuance of writ in the nature of declaration holding the order passed by the S.D.O., Jhanjharpur is arbitrary and bad in law and no enquiry was conducted nor any report was prepared nor served upon the petitioner and without granting opportunity of rebuttal the impugned action has been taken cancelling the PDS license of the petitioner as the same has been passed without any basis and the impugned action is wholly without jurisdiction and has been passed in gross violation of principles of natural justice.

At the outset, the learned counsel for the petitioner seeks liberty to challenge the order dated 25.5.2019 passed by the Sub-Divisional Officer, Jhanjharpur, by filing an appropriate appeal.

Accordingly, the present writ petition stands



disposed of with liberty to the petitioner to file appeal under Rule 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 and in case, such an appeal is filed within a period of four weeks from today, the appellate authority shall decide the same on merits, in accordance with law and pass a reasoned and a speaking order within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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