

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.818 of 2021

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1. Prabhu Nath Ray Son of Late Baij Nath Ray Residence of village- Pohiyan, P.o.- Saragatti, P.s.- Garkha, District- Saran at Chapra
 2. Parmeshvar Ray Son of Fagu Ray residence of village- Pohiyan, P.o.- Saragatti, P.s.- Garkha, District- Saran at Chapra
 3. Sanjay Kumar Son of Adeya Rai @ Adeya Lal Rai residence of village- Aloni, P.o.- Saragatti, P.s.- Garkha, District- Saran at Chapra
 4. Murli Kumar Singh @ Murli Kumar Son of Harinarayan Singh Residence of village and P.o.- Saragatti, P.s.- Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department, Government of Bihar, Patna
2. The Commissioner Saran at Chapra
3. The District Magistrate District- Saran at Chapra
4. The District Supply-cum-Marketing Officer, District- Saran at Chapra
5. The Sub Divisional Officer, Sadar- Chapra, District- Saran at Chapra
6. The Circle Officer, under block- Garkha, District- Saran at Chapra
7. The Marketing Officer, Under Block- Garkha, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav, Advocate
For the Respondent/s : Mr. Alok Ranjan (AC to AAG 5)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-10-2021 Heard the learned counsel for the petitioner and Sri Alok Ranjan, learned AC to AAG 5 appearing for the State.

The present writ petition has been filed for quashing the order dated 16.11.2018, whereby and whereunder the P.D.S. license of the petitioners bearing License no. 124 of 2016, License no. 10 of 2016, License no. 118 of 2016 and License no. 15 of 2016 have been cancelled.



The learned counsel for the petitioners has submitted that licenses of the petitioners was cancelled primarily on the basis of lodging of an F.I.R. bearing Garkha PS case no. 449 of 2018 under Section 7 of Essential Commodities Act, however subsequently, the petitioners have been acquitted vide judgment dated 30.08.2019, passed by the Sub Divisional Judicial Magistrate, Saran at Chhapra in G.R. case no. 9443 of 2018. It is thus submitted that since the very basis for passing of the impugned orders dated 16.11.2018 is no longer subsisting, the impugned order dated 16.11.2018 is required to be quashed, however, when the learned counsel for the respondent State has pointed out that there is a provision of appeal under Section ***Rule 32(iii) of Bihar Targeted Public Distribution System (Control) Order, 2016***, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file appropriate appeal.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioners to file appropriate appeal before the appellate authority, within a period of four weeks from today and in case, such an appeal is filed, the same shall be considered by the appellate authority on merits without being impeded by the



issue of limitation and shall be disposed of by a reasoned and a speaking order within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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