

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22143 of 2019

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Santosh Kumar Son of Amir Singh, Resident of Ward No. 18, P.S. and District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Vaishali, District- Vaishali.
3. The Sub Divisional Officer, Hajipur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Adv.
For the Respondent/s : AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-03-2021 Heard Mr. Rajeev Kumar Labh, learned counsel for the petitioner and learned AC to AAG 5.

A counter affidavit has already been filed on behalf of the State.

The petitioner in this writ petition challenges the order dated 11.09.2019 passed in Supply Case No.35 of 2019 by which the Sub-Divisional Officer, Hajipur cancelled the P.D.S. licence of the petitioner.

Learned counsel for the petitioner submits that the Sub-Divisional Officer did not consider the show-cause filed by the petitioner and this amounts to violation of principles of natural justice. Therefore, he has straightaway come to this Court in writ jurisdiction without availing the alternative



remedy, but it appears from perusal of the order as contained in Annexure 1 that the Sub-Divisional Officer considered the show-cause. Therefore, I think it proper to dispose of the writ petition with a direction to the petitioner to file an appeal as provided under the Bihar Targeted Public Distribution System (Control) Order, 2016 which is lying before the Collector within one month from the date of this order. If such an appeal is filed before the Collector, the Collector shall hear the petitioner on merit and decide the same within the statutory period without unsuiting the petitioner on limitation ground.

With the aforesaid directions, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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