

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11845 of 2021

=====

Parmeshwar Rajak Son of Late Sheo Charan Baitha, Resident of Village -
Dhanari, P.O. - Bijauli, P.S. Simra, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate -cum-Collector, Aurangabad.
3. The Sub Divisional Officer, Aurangabad.
4. The Block Supply Officer, Deo, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. S. Raja Ahmad (Aag5)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 20-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the order dated 18.01.2021 contained in Memo No.449 dated 01.04.2021 in PDS Case No.402 of 2019 by respondent no.2 (The District Magistrate-cum-Collector, Aurangabad) whereby and whereunder order of respondent no.3 (The Sub Divisional Officer) to cancel the PDS license No.1/D/1998 and has been affirmed the appeal preferred by petitioner has been rejected.

Petitioner further seeks Hon’ble Court’s indulgence for quashing the order passed by Licensing Authority in Supply

Misc. Case No.8 of 2018 passed by respondent no.3 (The Sub Divisional Officer, Aurangabad) on 05.10.2018 whereby and whereunder respondent no.3 without giving the opportunity of hearing and without verifying the relevant record and without properly appreciating the cause shown by the petitioner and without giving the copy of report submitted by Block Supply Officer (respondent no.4) submitted vide letter No. 2375 dated 28.09.2018, cancelled the License No.1/B/98 of PDS shop of petitioner by holding unilateral finding that PDS shop was run by petitioner by violating the control order 2016 and National Food Security Act, 2013.

Petitioner further seeks any other relief/ reliefs for which he is found entitled in the eye of law and in the fact and circumstances of the present case.”

Mr. Ramakant Sharma, learned Sr. counsel appearing for the petitioner, submits that Sub-Divisional Officer has cancelled the licence of the petitioner without giving the copy of 2nd enquiry report submitted by Block Supply Officer upon which the SDO -cum-Licensing Authority has relied upon for passing the impugned order and, as such, whole proceedings stand vitiated on account of non-supply of second inquiry report.

However, since petitioner has approached this Court without availing the statutory remedy of revision against the impugned original as well as appellate order, as such, liberty is granted to the petitioner to file revision against the appellate order before the Revisional Authority and if any such Revision

is filed within 4 weeks, then revisional authority shall condone the delay in filing the revision and shall decide the revision on its own merit within eight weeks thereafter in accordance with law considering and discussing all the grounds taken in revision petition including prejudice caused to the petitioner on account of non-supply of second inquiry report, which has been considered by the licensing authority while cancelling the PDS licence of petitioner. .

With aforesaid observation and direction, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2022
Transmission Date	NA