

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7942 of 2022

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Sikandar Prasad Gupta Son of Laljeet Saw, resident of Village - Amhara,
Police Station- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Department, Old Secretariat, Patna.
2. The Commissioner, Munger Division, Munger.
3. The Collector, Lakhisarai, District - Lakhisarai.
4. The Sub Divisional Officer, Lakhisarai, District - Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.
For the Respondent/s : Mr. Anisul Haque

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 13-10-2022

Heard Mr. Vijay Kumar Singh, learned advocate for
the petitioner and Mr. Anisul Haque for the State.

The license of the petitioner was earlier cancelled by the Licensing Authority, which order was affirmed by the appellate as well as revisional authority. This led the petitioner to challenge such orders before this Court vide CWJC No. 1647 of 2019 in which a Bench of this Court remitted the matter to the appellate authority to pass a fresh order in accordance with law, giving reasons in support of the same. Pursuant to the aforesaid direction passed by this Court in the aforementioned writ petition, the appellate



authority has passed the order on 15.03.2022, affirming the order of cancellation of the license of the petitioner.

Mr. Singh, learned advocate for the petitioner, has pointed out that the explanation offered by the petitioner has not at all been taken into account, at least in correct perspective.

The nine beneficiaries, who are said to have made complaint against the petitioner, have not been named in the original enquiry report. Apart from this, it has been submitted that there are three PDS dealers in the locality and it is not known as to which dissatisfied beneficiary is attached to which of the Public Distribution Shop of the locality. It has further been submitted that at a later point of time, a collective response was sought to be taken by the Block Supply Officer and a wrong explanation has been given that while the enquiry was being conducted, an irate mob took away all the papers. This is the explanation for not naming the beneficiaries who have made complaints against the petitioner.

All these grounds can very well be urged before the Revisional Authority in case the petitioner approaches the same. We are not inclined to entertain this petition for the reason that the petitioner has not exhausted his remedy of revision.



Thus, while dismissing this petition, we direct that in case a revision petition is filed before the Revisional Authority within a period of 30 days, he, after taking into account all the contentions of the petitioner, shall pass a reasoned order in accordance with law within a further period of 60 days, which order shall be communicated to the petitioner.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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