

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8156 of 2020

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Sukhdev Ram, S/o Late Bukhlal Ram, Resident of Village-Raryaha Ghaillarh,
Ward No. 9, P.s.- Ghaillarh, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna
2. The Commissioner, Saharsa Division, Saharsa
3. The District Magistrate, Madhepura
4. The District Supply Officer, Madhepura
5. The Sub-Divisional Officer, Madhepura
6. Sri Ram Bahadur Ram, Son of Ghonghar Ram, Resident of Village-Ghaillarh, Ward No. 1, P.s. and District- Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand
For the Respondent/s : Mr.Lalit Kishore (Ag)

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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 : 22-09-2022

Heard Mr. N. K. Agarwal, learned Senior Advocate for
the petitioner, Mr. Kumar Vikram, for the Respondent No. 6
and Mr. Upendra Pratap Singh, for the State.

On the complaint of Respondent No. 6 before the
Public Grievance Redressal Cell, the Secretary, Food and Civil
Supplies-cum-Second Appellate Authority cancelled the licence
of the petitioner.



Pursuant to such an order passed by the Secretary, Food and Civil Supplies, the Sub-Divisional Officer/Licensing Authority cancelled the licence of the petitioner and tagged the beneficiaries attached to the shop to another PDS dealer.

Hence, this petition.

Mr. Agarwal, learned Senior Advocate has urged that the order of cancellation is without notice to him and, therefore, it is not sustainable in the eyes of law.

The second limb of argument of Mr. Agarwal is that though the Secretary, Food and Civil Supplies has the jurisdiction to look into the matter regarding grant of PDS licence but the present order of cancellation has been passed under the Public Grievance Redressal Act and not under the Bihar Targeted Public Distribution System (Control) Order, 2016.

On perusal of the facts of this case and the order of the Secretary, Food and Civil Supplies as well as the sequel order of the Licensing Authority, we find that the order by which the licence of the petitioner has been cancelled is without jurisdiction. We would have otherwise remitted the matter to



the Licensing Authority to pass a reasoned order, but in view of the fact that the Departmental Secretary has taken a decision, we deem it appropriate to refer the matter to the Divisional Commissioner to look into the entire aspect of the matter and after affording opportunity of hearing to all the parties viz. the petitioner and the Respondent No. 6 and all other interested person/persons, pass a final order within a period of 60 days, giving reasons in support of the decision so taken.

Till such time, the status quo shall be maintained.

With the aforesaid direction/observation, the petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Skm/uttam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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