

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3926 of 2021

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Ganesh Paswan, Son of Ramsharan Paswan, Resident of Village Rashidpur,
Block Khajauli, P.S. Khajauli, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection,
Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer Sadar, Madhubani.
4. The Block Supply Officer, Khagauli, District-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 21-01-2022 The matter has been taken up for online hearing

through video conference because of COVID-19 pandemic

restrictions.

2. The petitioner has put to challenge an order dated

01.12.2020, passed by the Sub-Divisional Officer, Sadar,

Madhubani, whereby the petitioner's PDS licence has been

cancelled on the ground of certain irregularities committed by

him.

3. It is the petitioner's case that the said order has



been passed without affording the petitioner due opportunity of hearing, inasmuch as, in the show cause notice proposed action of cancellation of licence was not indicated. He has relied on a Division Bench decision of this Court in the case of ***Ram Bachan Ram vs. The State of Bihar & Ors.*** reported in **2018(4) PLJR 516** and a Single Bench decision of this Court in the case of ***Pradip Kumar Paswan vs. The State of Bihar & Ors.*** reported in **2021 (2) PLJR 71**, in support of his contention to assail the impugned order.

4. The petitioner has an alternative remedy of appeal, which he has not invoked.

5. Considering the facts and circumstances of the case, this application is disposed of with a liberty to the petitioner to prefer appeal before the Appellate Authority. If any appeal is preferred within four weeks from today with an application seeking condonation of delay, the Appellate Authority shall liberally consider the condonation application and decide the petitioner's appeal on merits. The Appellate Authority shall be obliged to take into account the decisions of this Court relied upon by the petitioner as noted above. It is further observed that the Appellate Authority shall be required to dispose of the petitioner's appeal as expeditiously as possible,



and in no case beyond the period as prescribed for disposal of
appeal under Bihar Targeted Public Distribution System
(Control) Order, 2016.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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