

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18422 of 2021

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Shivnarayan Sah, Son of Late Balrup Sah, resident of Village Bhokhri, P.O.-
Khajhra, P.S.- Mohaniya, District - Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. District Magistrate, Kaimur, District - Kaimur (Bhabhua).
3. The Sub Divisional Officer Cum Licensing Authority, Mohaniya, District - Kaimur (Bhabhua).
4. Block Supply Officer, Mohaniya, District - Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

1. That the present writ application is being filed in the nature of Certiorari for quashing the order dated 13.09.2021 passed by the Collector-cum- District Magistrate, Kaimur at Bhabhua in Supply Appeal Case No. 03/2021 by which the order passed by the Sub-Divisional Officer, Mohania for cancellation of the PDS License No. 4/2016 of the petitioner has been affirmed; on the ground that the show cause notice which was issued to the petitioner does not carry the enquiry report, the PDS license has been cancelled on new ground which was not part of the 2nd show cause notice or for first show cause notice, the order passed is a non-speaking order;
- II. That the present writ application is being filed in the nature of Certiorari for quashing the order dated 09.02.2021 bearing Memo No. iii-2-2021/10 passed in Supply Case No. 2/2021 by the Sub-Divisional Officer, Mohania, Kaimur by which the

PDS license of the petitioner bearing License No. 4/2016 has been cancelled; on the ground that the enquiry report dated 18.01.2021 has not been supplied to the petitioner, the order passed by the Sub-Divisional Officer is based on the new ground which was not part of the first show cause notice and 2nd show cause notice, there is a violation of the principles of natural justice the entire order is in teeth of rule 27(2) of Bihar Targetted P.D.S control order, 2016

III. That the present writ application is being filed in the nature of **Mandamus** for a direction to the Sub-Divisional Officer, Mohania to be stored the PDS License No. 4/2016 of the petitioner with immediate effect;

IV. And pass any such other order/orders as this Hon'ble Court deem fit and proper."

After the matter was heard for some time, learned counsel for the petitioner, states that petitioner shall be content if a direction is issued to the authority concerned under Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 to consider and decide the Revision to be filed by the petitioner within a period of four weeks along with a copy of this order, within a period of two months from the date of its filing.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	