

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20116 of 2021**

=====

Krishan Kumar son of Ramgovind Sah, resident of Village - Mushaharniya,  
Panchayat - Purandaha Rajwara East, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate Sitamarhi, District - Sitamarhi.
3. The District Supply Officer, Sitamarhi, District - Sitamarhi.
4. The Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District - Sitamarhi.
5. The Block Development Officer, Block - Sonbarsa, District - Sitamarhi.
6. The Block Supply Officer, Block - Sonbarsa, District - Sitamarhi.
7. The Officer-in-charge, Sonbarsa Police Station, District - Sonbarsa,

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Anil Chandra, Adv.  
For the Respondent/s : Mr. Anisul Haque, AC to AAG -5

=====

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**  
**HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

2      21-02-2022                      Heard the learned counsel for the parties.

The petitioner, a P.D.S. licensee has challenged  
  
the order dated 31.12.2020 contained in memo no. 880 by  
  
the Sub-Divisional Officer, Sitamarhi Sadar, whereby his  
  
license to run the P.D.S. shop has been cancelled.

It appears that an F.I.R. was registered against  
  
him under Section 7 of the Essential Commodities Act. The



petitioner was noticed under Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 and his license was suspended.

When no order was being passed on such reply of the show-cause notice within 180 days, the petitioner approached this Court but before the matter could be taken up for consideration, the petitioner was informed that an order has been passed by the competent authority.

Though, the petitioner had initially taken a plea that without conviction under the E.C. Act, the license of the petitioner could not have been cancelled but after some argument, the petitioner has chosen to challenge the order on the ground of the same being a totally non-speaking order.

However, we notice that the petitioner has not availed of the alternative remedy of preferring an appeal before the District Magistrate of the concerned district.

We dispose of this writ petition with a direction to the petitioner to prefer an appeal before the District Magistrate, Sitamarhi within a period of 30 days, who on



receipt of the same shall afford all opportunities to the petitioner to contest his case and shall pass an order within 60 days thereafter as mandated under the order of 2016. Needless to state that it would be a reasoned order.

We have also taken exception to the manner in which the order impugned has been passed which does not accord any reason whatsoever.

The petition stands disposed off accordingly.

**(Ashutosh Kumar, J)**

**( Anjani Kumar Sharan, J)**

sunilkumar/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

