

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3125 of 2023

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Md. Irfan S/o Late Md. Karamat, Resident of Village- Rahmandih, P.S.-
Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Sub- Divisional Officer, Banka.
2. Principal Secretary, Food and Civil Supply Department, Govt. of Bihar.
3. The District Magistrate, Banka.
4. Sub- Divisional Officer, Banka.
5. District Supply Officer, Banka.
6. Block Supply Officer, Dhoraiya, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 14-09-2023 Heard the counsels for the parties.

2. This writ petition has been filed for seeking the
following reliefs:-

i. For issuance of writ or writs in the
nature of mandamus commanding and
directing the respondents concerned to
quash the order of cancellation of License
of PDS Shop of the petitioner as contained
in Memo No.15 Aa/Banka dated
05.05.2020 issued by Sub-Divisional
Officer, Banka by which PDS License of
the petitioner has been cancelled in
contrary to the provisions contained in Rule
25 and 27(i) and (ii) of the Bihar Targeted



PDS Control Board, 2016 and be further quash the order dated 18.11.2022 passed by the Collector-cum-D.M., Banka who has been pleased to reject the appeal vide Supply Appeal Case No.864/2020-21.

ii. That, petitioner further prays for holding that the order impugned does not refer any such finding or show application of mind of the respondent No.4-licensing authority on the issue of violation of provisions like alleged delayed distribution or none distribution/proper distribution of grains/articles to the beneficiaries etc. or any other conditions of Rule 25 of the Control Order 2016 and as such on this count alone impugned order is mechanical and based on subjective satisfaction of respondent No.4 and as such fit to be quashed.

iii. For any other relief(s) for which petitioner is found entitled on the facts and circumstances of this case.”

3. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has an alternative and efficacious remedy of filing a revision under Rule 32(vi) of the Bihar Targeted Public Distribution System (Control) Board, 2016 against the order of the Appellate as well as Sub-Divisional Officer, this Court is not inclined to entertain



the present writ petition.

4. The writ petition is disposed of granting liberty to the petitioner to file a revision before the Divisional Commissioner within a period of four weeks from today. On such revision being filed, the authority concerned shall pass a reasoned order strictly in accordance with law duly taking into consideration the grounds raised in the Revision.

5. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of 60 days from the date of filing of the revision. Any order passed shall be communicated to the party.

6. With the above observations, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

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