

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3714 of 2023

=====

Smt. Chinta Devi @ Chinta Devi Wife of Sri Satyendra Singh Resident of
Village-Pabat, Panchayat Agarsanda, P.S.-Ara Muffasil, Distirct-Arrah at
Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer
Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The Collector, Bhojpur.
3. The Sub Divisional Officer, Sadar, Arrah (Bhojpur)
4. The Block Supply Officer, Sadar, Arrah (Bhojpur)

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL JUDGMENT

Date : 19-06-2023

Aggrieved by the order dated 21.01.2023 passed by the
learned Sub Divisional Officer, Sadar, Arrah (Bhojpur) vide Memo
No. 51, whereby the license granted to the petitioner was
cancelled, the present writ petition is filed. Even though the
learned counsel for the petitioner has argued the matter on merits
and has relied on the judgment of this Hon'ble Court in CWJC No.
9586 of 2022, wherein this Hon'ble Court has set aside the
cancellation order passed by the licensing authority solely on the
ground that the said order passed by the licensing authority was
based on the opinion of the Block Supply Officer and that there



was no independent satisfaction of the licensing authority before passing the said order. Learned counsel has stated that the present matter is fairly covered by the above said order and, therefore, prayed this Hon'ble court to set aside the impugned order and allow the present writ petition.

Per contra, the learned counsel appearing on behalf of the respondent has vehemently opposed the very maintainability of the writ petition and stated that the petitioner is having an alternative and effective remedy of appeal under the relevant provisions, statutory of the Bihar Targeted Public Distribution System (control) order, 2016.

Learned counsel for the respondent has stated that the reliance by the learned counsel for the petitioner on the judgment of the Division Bench in CWJC No. 9586 of 2022 dated 16.01.2023 is misplaced and that the said judgment is not at all applicable to the facts of the present case.

Learned counsel for the respondent has taken this Court through the impugned order to buttress his contention that the order passed by the licensing authority is not solely based on the opinion of the Block Supply Officer but is based on merits and that the licensing authority duly taking into consideration the other relevant facts and also the explanation submitted by the petitioner



has passed the impugned order and, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

A perusal of the impugned order shows that the order is not solely based on the opinion of the Block Supply Officer and the authority concerned has passed the order duly taking into consideration the statements made by the consumers, the explanations submitted by the petitioner etc., therefore, the reliance placed by the petitioner on the order of this court in CWJC No. 9586 of 2022 is misplaced.

Without going into the merits and demerits of the case, having regard to the fact that the petitioner is having an effective and alternative remedy of filing the memo of appeal before the District Magistrate, Bhojpur and Arrah. Under the relevant provision of the Bihar Targeted Public Distribution System (Control) order, 2016, this Court is not inclined to entertain the present writ petition. The CWJC is disposed of with a direction to the petitioner to approach the appellate authority under the relevant provision within a period of one month from today and on such appeal being filed, the same shall be dealt with in accordance with law duly putting the petitioner on notice and giving him an opportunity of hearing before passing any order as expeditiously as possible within a period of eight weeks thereof.



With the above observations, the writ petition is accordingly disposed of.

(A. Abhishek Reddy , J)

gauravkr/Ayush

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.06.2023
Transmission Date	N/A

