

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6445 of 2019

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Md. Shamshad, S/o Abul Hasan Vill.- Bagmara, Simariya, Ward No. 1, P.s.-
Jokihat, Distt.- Araria

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Food and Consumer Protection
Department, Old Secretariat, Patna
2. The Divisional Commissioner Purnea, Distt.- Purnea
3. The Collector cum District Magistrate Araria, Distt.- Araria
4. The Sub Divisional Officer Araria, Distt.- Araria
5. The District Supply Officer Araria, Distt.- Araria
6. The Block Supply Officer Jokihat, Distt.- Araria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

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

Date : 19-09-2023

Heard the parties.

2. The present writ petition is filed for the following

relief(s):-

*“(i). For quashing the order of Divisional
Commissioner, Purnea in Supply Revision
No. 47/2016 datged 19.12.2018 (Anx-1)
whereunder the petitioner challenge
appellate order dated 01.04.2016 passed
by the District Magistrate, Araria.*

*(ii). For quashing the order of District
Magistrate, Araria in appeal No. 05/2015-
16 dated 01-04-2016 (Anx-2) by which*



District Magistrate, Araria dismissed the appeal of the petitioner without applying judicial brain and confirm the cancellation order of S.D.O, dated 24-03-2015.

(iii) For quashing order dated 24-03-2015 passed by S.D.O. Araria contained in PDS license No. 06J/2013, S.D.O, Araria cancel the license of the petitioner without proper inquiry and verification only vake allegation of petitioner's brother which was earlier S.D.O, Araria given clearance in the favour of petitioner.

(iv) For holding annexure 1, 2, 3 dated 19-12-2018, 01-04- 2016, 24-03-2015 passed by respectively divisional commissioner Purnea, District Magistrate, Araria, S.D.O, Araria are illegal, arbitrary without jurisdiction”.

3. Without going into the merits or demerits of the case, having regard to the facts that the petitioner has an alternative and effective remedy of filing a representation before the Principal Secretary, **under Rule 32(vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016** against the impugned order. The present writ petition is disposed of granting liberty to the petitioner to file a representation before the Principal Secretary challenging the orders of the Revisional Appellate Authority and the order of cancellation of PDS



license withing a period of six weeks from today. On such representation being made, the Principal Secretary shall pass necessary orders strictly in accordance with law.

4. 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 possibly preferably within a period of six weeks from the date of receipt of the representation. Any order passed shall be communicated to the parties.

5. With the aforesaid observations, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.09.2023
Transmission Date	

