

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.261 of 2021
In
Civil Writ Jurisdiction Case No.10993 of 2019

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SAMSUL HAQUE, Son of Gaffar Miyan, Resident of ward no 13
Senuawariya Senuariya, P.S.- Kangli, West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply,
Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Sub Divisional Officer, Narkityaganj, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Mishra, Advocate
For the State : Mr. Alok Ranjan, A.C. to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 25-08-2023 Heard the parties.

2. The appeal is filed against an order which dismissed the writ petition challenging the original order of cancellation of a license under the Public Distribution System and also the appellate order. The learned Single Judge refused to consider the challenge against the original order, especially, noticing that there was an earlier writ petition filed.

3. When the order of cancellation was made on 04.09.2018, the licensee approached this Court with a writ



petition numbered as CWJC No. 19756 of 2018. Therein the ground raised was violation of principles of natural justice; insofar as the petitioner not being afforded an opportunity for hearing. However, the learned Single Judge, who considered the writ petition, was of the opinion that there is an alternate remedy of appeal as provided in the statute. The writ petition was disposed of relegating the party to the statutory alternate remedy. Appellate remedy was availed and again the petitioner was unsuccessful. A further writ petition was filed challenging the original order on the premise that the ground of violation of principles of natural justice was not considered in the appellate order. In any event, in the appeal the petitioner was heard and the matter was disposed of on merits.

4. In such circumstance, remanding the matter for fresh consideration before the original authority would be an empty formality. There is also a revisional remedy, which has not been availed by the petitioner herein.

5. At this distance of time, we are not convinced that there is any reason to relegate the petitioner to the alternate remedy of revision, especially since the only ground raised is of violation of principles of natural justice.

6. The appeal stands dismissed. However, the cost



imposed by the learned Single Judge would stand deleted.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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