

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6001 of 2023

=====

Nisar Ahmad @ Md. Nisar Ahmad son of Late Jawed @ Zawwad Resident of
Village-Baluganj, Kumharwa-Jhawwari, P.S.-Jalalgarh, District-Purnea.
... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Civil Supplies Govt. of Bihar.
 2. The Divisional Commissioner, Purnea, District-Purnea.
 3. The District Magistrate, Purnea, District-Purnea.
 4. The Sub Divisional Officer, Baisi, District-Purnea.
 5. The Supply Inspector under Block Amour Dist-Purnea. ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Abu Haider, Adv.
For the Respondents : Mr.S. Raza Ahmad, AAG V

=====

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

6 22-08-2023 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following reliefs :

(i) For issuance of appropriate writ or writs, order or orders and direction of directions to the respondents authorities to re-call the cancellation order of the PDS License of the petitioner as such License no. 82/2016 or stay and quashing the order dated 19.09.2021 (as contained in Annexure-3) passed by the Learned Divisional Commissioner, Purnea in Supply Revision no. 97 of 2022 and also set aside the order d 22.02.2022 in supply Appeal no. 276 of 2021 passed by the Collector, Purnea, District Purnea, the respondent Collector, Purnea, without applying his judicial mind and not gone through the facts and also relied upon the order dated 12.09.2020 in E.C. case no. 05 of 2020 passed by the Learned SDM, Baisi District by which the respondent no. 4 has cancelled the PDS License of the petitioner with malafide intention and not consider the facts and show cause of the petitioner and only relied upon the false report of the Respondent no. 5.



(ii) For issuance of appropriate writ/order of direction to the respondents to follow the different circular issued by the Govt. State of Bihar for the purpose of re-appointment of a person for PDS dealer after some penalty.

(iii) For any other relief/reliefs for which the petitioner are found entitled in the opinion of this Hon'ble Court.

3. Learned counsel for the petitioner has stated that the present writ petition is filed challenging the orders of revisional authority, appellate authority and also the licensing authority. It is stated that the licensing authority without giving any opportunity to the petitioner has passed the impugned order and same has been confirmed by both the appellate as well as the revisional authorities in a mechanical manner and prays to set aside the same.

4. Per contra, the learned counsel appearing on behalf of the respondents has stated that the petitioner has remedy of filing a representation before the Principal Secretary, Government of Bihar, against the order of the Divisional Commissioner and, therefore, the petitioner may be directed to file an appropriate representation challenging the orders of the revisional authority, appellate authority and also the primary authority before the Principal Secretary under Rule 32 (vii) of



the Bihar Targeted PDS (Control) Order, 2016.

5. Having regard to the above mentioned submissions without going into the merits demerits of the case the writ petition is **disposed off** with a direction to the petitioner to avail the remedy available under Rule 32 (vii) of the Bihar Targeted PDS (Control) Order, 2016, by making a representation, along with the supporting documents, before the Principal Secretary, Government of Bihar, within a period of two weeks from today.

6. On such representation being made, the same shall be considered and necessary orders passed strictly in accordance with law. It is needless to mention that before passing the orders, the petitioner shall be given opportunity of hearing. Any order passed shall be communicated to the petitioner.

(A. Abhishek Reddy , J)

Shamshad/-

U			
---	--	--	--

