

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6665 of 2023

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Amit Kumar Son of Surendra Prasad, Resident of Village - Phalu, Panchayat -
Dohra, Block - Nardiganj, P.S. - Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Nawada.
3. The Sub-Divisional Officer, Nawada Sadar.
4. The Block Supply Officer, Nardiganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Akash Chaturvedi, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 15-05-2023

The petitioner is aggrieved with the cancellation effected of the license granted to him under the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as 'Order of 2016'). The petitioner's only contention before this court is that there is no enquiry report supplied to him. The petitioner also relies on the decision of this Court in **Fulpati Devi v. State of Bihar; (2013) 1 PLJR 718**, to contend that the enquiry report has to be necessarily supplied to the petitioner before the show-cause notice is issued.

2. The learned Government Advocate, on the other hand, submits that the show-cause notice itself would show that



the enquiry report was enclosed. The petitioner has by-passed the remedy available in Clause 32 of the Order of 2016.

3. Looking at **Fulpati Devi** (supra), this Court does not find any parallel to the instant case. Therein the Sub Divisional Officer had cancelled the PDS license after allowing only three days time to file show-cause and without ascertaining whether notice has been served. In the present case, such a contention does not arise at all. Annexure-3 is the show-cause notice which is dated 02.03.2023. The petitioner was given time till 13.03.2023 to make objections to the same. The enclosure to Annexure-3 also indicates the order on inspection supplied to the petitioner.

4. In the above circumstances, the petitioner's contention with respect to non-supply of the enquiry report cannot be countenanced. Under Clause 32(iii) of the Order of 2016, the cancellation is subject to an appeal which has to be filed within thirty days of the communication of the order. The impugned order herein is dated 28.03.2023 and the writ petition was filed on 25.04.2023.

5. In such circumstances, the period in which the writ petition was pending here can be excluded under Section 14 of the Limitation Act. The writ petitioner would be reserved



liberty to file an appeal, if he does so, within one month from the date of receipt of the certified copy of the order.

6. The writ petition would stand dismissed.

(K. Vinod Chandran, CJ)

aditya/sujit

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.05.2023.
Transmission Date	

