

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9576 of 2022

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Hareram Sahu S/o Mahadev Sahu, Resident of Village-Masankhon,
Bahrapur alias Masankhon, Ward No. 13, P.S. and Block-Kusheshwarsthan,
District-Darbhangha, Pin Code-848213.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Licensing Officer-cum-Sub-Divisional Officer, Biraul, Darbhanga.
5. The District Supply Officer, Darbhanga.
6. The Block Supply Officer, Kusheshwarsthan, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 17-01-2023

Heard Mr. Kaushalesh Choudhary, the learned
Advocate for the petitioner and Mr. Upendra Pratap Singh,
the learned counsel for the State.

The license of the petitioner has been cancelled
and it aggrieves the petitioner for the reason that the opinion
of the Licensing Authority is based solely on the report given
by the Block Supply Officer who had conducted the inquiry
and had submitted his report, pursuant to which, the



petitioner had been noticed.

The learned counsel for the petitioner has drawn the attention of this Court to the fact that all the charges in the notice were replied by him with necessary supporting proof but from the manner in which the reply has been dealt with, it is apparent that only the opinion of the Block Supply Officer has been relied upon.

As an instance, the learned counsel for the petitioner has invited the attention of this Court to the fact that the report is based on the statements collected from many of the targeted beneficiaries, the names of whom have not been disclosed either in the inquiry report or in the opinion given by the Block Supply Officer. This makes the conclusion arrived at by the Licensing Authority to be absolutely coloured and not sustainable in the eyes of law.

The learned counsel for the petitioner further submits that the inquiry report by the Block Supply Officer and his later opinion, when asked for by the Licensing Authority, has not been supplied to the petitioner.

Both these grounds do not weigh with us for



exercising our jurisdiction under Article 226 of the Constitution of India when the petitioner has not elected for the statutory remedy of appeal which is available to him.

For the aforesaid reason, we dismiss this petition but with an observation that in case an appeal is filed by the petitioner within a period of 30 days, the Appellate Authority shall take into account all the grounds raised by the petitioner in this petition and pass a reasoned order within a further period of 60 days.

The order so passed shall be made available to the petitioner forthwith.

With the aforesaid observation / direction, the writ petition is dismissed.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Harsh/Sunil-

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

