

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9688 of 2023

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Sunil Kumar Paswan Son of Late Kedar Paswan, Resident of Village-Arma,
Police Station-Kajra, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Lakhisarai.
3. The Sub Divisional Officer, Surajgarha, District-Lakhisarai.
4. The Block Supply Officer, Surajgarha, District-Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava
For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)

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

3 17-10-2023 Heard the learned counsels for the parties.

The present writ petition has been filed for the
following relief(s):-

“I. To issue a writ in the nature of Certiorari to quash the order dated 28.02.2023 passed in Supply Appeal Case No. 24 of 2022 passed by the learned District Magistrate cum Collector, Lakhisarai, whereby and whereunder the appeal of the petitioner has been rejected and affirmed the cancellation order of P.D. Shop Licence issued by the S.D.O. Lakhisarai, by Memo No. 376 dated 13.05.2022

II. For quashing the Memo No. 376 dated 13.05.2022 issued by the S.D.O. Lakhisarai by which the Respondent No. 4 cancelled the licence of shop under Public Distribution System of the Petitioner bearing License No. 04/1997 (FPS CODE -122700100047) and the same has been



added or handed over with the nearest P.D.S. Shop dealer Nasika Khatoon situated at Village + Panchayat Arma, Block - Surajgarha, District - Lakhisarai.

II. To hold and declare that the cancellation of the P.D.S. License No. 04/1997 by the learned S.D.O., Lakhisarai is not sustainable in the eye of law.

IV. To issue a writ in the nature of Mandamus to reinstate the said PDS. License of the petitioner and corresponding business of the P.D.S. in its original status.

V. To grant any other reliefs to him for which he is entitled to have.”

3. Without going into the merits or demerits of the case, having regard to the fact that the petitioner is having an alternative and efficacious remedy of filing a revision under Section 32(vi) of the Control Order 2016. The petitioner is directed to approach the Divisional Commissioner ventilating his grievance within a period of four weeks from the date of the receipt of a copy of this order. On receipt of the revision, the Divisional Commissioner shall pass necessary orders strictly in accordance with law within a period of four weeks thereof. It is needless to mention that before any order is passed, all the parties shall be put on notice and given an opportunity of hearing and submit their objections. The entire exercise shall be completed as expeditiously as possible preferably



within a period of eight weeks thereof. Any order passed shall be communicated to all the parties.

4. With the above said directions, the writ petition stand disposed off.

(A. Abhishek Reddy, J)

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