

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11003 of 2023

Ashok Manjhi son of Panchu Manjhi, Resident of Village-Rohi Bigha Parariya, Village Panchacyat-Parariya, Police Station-Magadh University, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate Gaya.
3. The Sub-Divisional Officer, Sadar Gaya, Gaya
4. The Block Supply Officer, Bodh Gaya, Dist.-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)

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

3 30-11-2023 Learned counsel for the petitioner has stated that the license of the petitioner was initially suspended on the ground that the FIR has been lodged against the petitioner and subsequently the petitioner could not file his reply to the show cause notice and, therefore, the license of the petitioner has also been cancelled. Learned counsel has stated that an opportunity may be granted to the petitioner to file his reply to the show cause notice and the authority may be directed to pass orders on merit. Learned counsel has stated that as per the provisions of ***Section 28*** of the ***Bihar Targeted Public Distribution System (Control) Order, 2016***, he has not violated any of the



provisions of Section 28 and, therefore, seeks the indulgence of this Hon'ble Court to give him one opportunity to file his reply.

2. Learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition and stated that the petitioner has an alternative remedy of filing an appeal before the concerned authority. Learned counsel for the respondents has stated that even though the petitioner has been granted an ample opportunity, he has not bothered to file the reply and, therefore, left with no other option. The authority has passed the order of cancellation.

3. Admittedly, in the present case, even though the petitioner has been put on notice he could not file the reply to the show cause notice within the time stipulated by the authority. Learned counsel for the petitioner states that due to some personal difficulty, he could not file his reply within the stipulated time.

4. Having regard to the above made submissions, the impugned order of cancellation is set aside and the matter is remanded back to the authority concerned for granting an opportunity to the petitioner to file his reply. The petitioner shall file his reply within a period of three weeks from the date of receipt of the copy of this order. On receipt of the said reply, the



authority concerned shall pass orders on merit duly taking into consideration the explanation submitted by the petitioner strictly in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of the copy of this order. In case the petitioner does not file his reply within the stipulated time granted by this Court, the order of cancellation shall stand good. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner.

5. With the above said directions, the writ petition stand disposed of.

(A. Abhishek Reddy , J)

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