

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11667 of 2023

Mamita Kumari Wife of Ganesh Yadav, D/o Madan Yadav, Resident of Village-Kanaili, Post-Rani Sagar, Police Station-Sahpur, District-Bhojpur, Bihar-82154, presently residing at Bandha, Post-Chaurasta Bihiya, P.S.-Bandha, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar.
2. District Officer-cum-District Magistrate, Bhojpur.
3. District Supply Officer, Bhojpur.
4. S.D.O. Jagdishpur, Bhojpur.
5. Block Supply Officer, Bihiya, District-Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Sumit Kumar Jha, Adv. Mr. Bivutosh Kumar, Adv. Mr. Ravi Bhushan Bharat, Adv.
For the State	:	Mr. U.P. Singh, AC to SC-4

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

2 11-09-2023 Learned counsel for the petitioner has stated that the authority concerned has passed the order which is impugned in the present writ petition without considering the explanation submitted by the petitioner. The authority has passed the order in a cryptic and pedantic manner and, therefore, prayed this Hon'ble Court to allow the present writ petition by setting aside the impugned order.

Per contra, the learned counsel appearing on behalf of



the respondent has stated that the petitioner has an efficacious and alternative remedy of filing an appeal before the District Magistrate under Clause 32(3) of the ***Bihar Targeted Public Distribution System (Control) Order, 2016***. Learned counsel has stated that the petitioner may be directed to file an appeal before the District Magistrate and the District Magistrate may be directed to consider the appeal on its own merits and pass a reasoned order.

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 statutory appeal before the District Magistrate (Respondent No. 2). The petitioner is directed to file an appeal against the order of cancellation within a period of four weeks from the date of receipt of the copy of this order. On such appeal being filed, the District Magistrate shall pass a reasoned order duly taking into account the grounds raised by the petitioner. It is needless to observe that before passing any order, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of filing of the appeal before the said authority. Any order passed shall be



communicated to the parties concerned.

(A. Abhishek Reddy , J)

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