

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7848 of 2018

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Siyaram Mandal, Son of Late Sukhdeo Mandal, Resident of Village- Rajour,
P.O.- Rajour Rambhadrapur, P.S.- Hathouri, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Samastipur, District- Samastipur.
3. The Sub-Divisional Officer, Rosara, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.Arvind Ujjwal Sc4

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

Date : 28-08-2023

Heard the parties.

2. The present writ petition is filed for the following
relief(s):-

*“A. A certiorari for quashing and setting aside the order passed by the Sub-Divisional Officer, Rosara vide Memo No. 26 dated 04.01.2018 whereby and whereunder licence of the petitioner’s Fair Price Shop bearing No. 131/16 has been cancelled contained in **Annexure -1**.*

B. A mandamus commending the respondents to restore the petitioner’s licence as beflore and to make allotment for the petitioner’s shop.

C. Any other relief or reliefs for which



petitioner may be found entitled in the fact and circumstances of the present case may be granted to him”.

3. Learned counsel appearing on behalf of the petitioner states that the authority has not supplied the copy of the enquiry report, the names of the beneficiaries or the statements of the beneficiaries along with the show cause and passed the impugned order in a mechanical manner. Learned counsel further states that non supply of the above mentioned documents along with the show cause notice is contrary to the principle of natural justice and equity and the Judgments of this Hon’ble Court. Therefore, prays this Hon’ble Court to allow the present writ petition and set aside the impugned order.

4. Per contra, the learned counsel for the respondents has vehemently opposed the maintainability of the writ petition and stated that the petitioner has alternative and effective remedy of filing a statutory appeal under Clause 32(3) of the Bihar Targeted Public Distribution System (Control) Order, 2016. That the petitioner without exhausting the said remedy has filed the present writ petition and the same is not permissible and prays this Hon’ble Court to dismiss the present writ petition.



5. Having regard to the above made submissions, the petitioner is directed to prefer an appeal before the District Magistrate against the order of the Sub-Divisional Officer dated 04.01.2018 within a period of four weeks from today. On such appeal being filed, the District Magistrate shall consider the same on merit and pass necessary orders. The District Magistrate shall consider the grounds of appeal raised by the petitioner and pass a reasoned order. The entire exercise shall be completed as expeditiously as possible preferably within a period of four weeks from the date of filing of the appeal by the petitioner. Any order passed shall be communicated to the parties.

6. Accordingly, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	31.08.2023
Transmission Date	

