

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14563 of 2023

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Ajgarwa Sisahani Primary Agriculture Co-operative Credit Society (PACS),
Pakari Dayal, East Champaran through its Chairman, Rakesh Kumar, aged
about 28 years (Male), S/o Siyaram Prasad Sahi, Resident of Village-
Ajgarwa, Panchayat- Ajgarwa, P.S- Pakridayal, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, East Champaran at Motihari.
3. The Sub Divisional Officer, Pakaridayal, District- East Champaran.
4. The Block Supply Officer, Pakaridayal, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.
For the Respondent/s : Mr. Prashant Pratap, GP 2

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

- 2 04-12-2023 1. Learned counsel appearing on behalf of the

petitioner has stated that pursuant to the inspection made by the

authority concerned, show cause notice was issued to the

petitioner of which the petitioner has given his explanation.

Learned counsel has stated that the authorities concerned have

passed the impugned order in a mechanical manner without

adverting to the explanation submitted by the petitioner.

Further no reasons are given in the impugned order as to

why the licence of the petitioner has been cancelled.

Learned counsel has further stated that in the explanation

submitted by the petitioner, the petitioner has given a



detailed reply to the show cause notice saying that there was no mismatch of the stock of the petitioner but the same has not been considered, therefore, prays this Hon'ble Court to set aside the impugned order and remand the matter back to the authority concerned for passing orders afresh duly taking into consideration the explanation submitted by the petitioner.

2. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and has stated that the petitioner has an alternative and efficacious remedy of filing an appeal before the District Magistrate under Rule 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition directing the petitioner to approach the Appellate Authority.

3. Admittedly, the impugned order shows that though the petitioner has filed explanation to the show cause notice, the authorities concerned has not considered the same and no reasons have been given by the authority concerned in the impugned order. As seen from the record, the petitioner was given only 24 hours for filing his explanation to the show cause notice. This Court as well as Hon'ble Supreme Court in a catena



of decisions has held that the authority concerned are obligated to consider the explanation submitted by the petitioner and pass reasoned orders, which is missing in this particular case.

4. Having regard to the same, the impugned order dated 11.08.2023 is set aside and the matter remanded back to the Sub-Divisional Officer for passing orders afresh duly taking into consideration the explanation submitted by the petitioner

5. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possibly preferably within a period of six weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the petitioner.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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