

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16518 of 2022

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Naresh Kumar Paswan Son of Udish Paswan Resident of Village Mokrapur,
Block Pandaul, P.S. Sakri, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection,
Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer Sadar, Madhubani.
4. The Block Supply Officer, Pandaul, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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

2 21-08-2023 Learned counsel for the petitioner has stated that the Authority concerned while passing the impugned order has taken a new ground which was not there in the show-cause notice. Moreover, learned counsel has also stated that the show-cause notice does not speak of any cancellation of the PDS license issued to the petitioner and, therefore, prayed this Hon'ble Court to set aside the impugned order.

Per contra, the learned counsel appearing on behalf of the respondent has stated that the petitioner has an alternative and efficacious remedy of filing an appeal before the District Collector but by surpassing the same, he has approached this Hon'ble Court directly by way of writ petition which is not



permissible.

Further, the learned counsel has stated that the authority concerned has passed a detailed order and the petitioner may raise all necessary grounds before the appellate authority challenging the order of cancellation.

Having regard to the above said submissions, without going into the merits or demerits of the case, the writ petition is disposed of with a direction to the petitioner to file an appeal before the Appellate Authority challenging the order cancelling the license of the petitioner within a period of four weeks from today. On such appeal being filed, the District Collector shall consider the same and pass orders on merits duly taking into consideration the grounds of appeal raised by the petitioner and the citations relied by the appellant. The entire exercise shall be completed within a period of eight weeks thereof. If any order passed shall be communicated to the parties.

(A. Abhishek Reddy , J)

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