

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23454 of 2019

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Md. Nazrul Islam S/o Md. Gulam Rabani Resident of Village- Shakurabad,
Panchayat-Shesamba, P.S.- Shakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Collector Jehanabad.
3. The Sub Divisional Officer Jehanabad.
4. The Block Supply Officer Jehanabad.
5. The Block Supply Officer Kako, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.

For the Respondent/s : Mr.S.Raza Ahmad, AAG-5.

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

5 13-09-2023 Heard learned counsel for the parties.

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

“For setting aside the order contained in Memo No. 4-322/2012 dated 30.11.2016 passed by the learned S.D.O., Jehanabad by which the PDS license of the petitioner being license No. 52/2007 granted under the provisions of PDS Order 2016 for carrying on business of Fair Price Shop has been cancelled and also for quashing the appellate order dated 26.01.2018 passed by the learned Collector, Jehanabad in Supply Appeal No.



29/DM/2017 by which the statutory appeal filed on behalf of the petitioner has been dismissed and the order of the learned S.D.O. was affirmed and further be pleased to restore the P.D.S. license of the petitioner and also restore the supply of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner has stated that one of the allegations made in the show cause notice issued to the petitioner was that the petitioner was supplying less quantity of food-grains to the consumers. Learned counsel has stated that the in explanation submitted by the petitioner it has been specifically stated that the petitioner was supplied with less quantity of food-grains by the authorities and therefore, he could not supply the full quantity to the consumers. The counsel has further stated that the authority concerned without looking into the said aspect, has passed the order in mechanical manner cancelling the licence of the petitioner. Even though the petitioner has raised the specific ground in the appeal, the appellate authority has not dealt with the same and dismissed the appeal filed by the petitioner. Therefore, prayed this Court to allow the present writ



petitioner.

4. Per contra, learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner has an alternative and efficacious remedy of filing a revision before the Divisional Commissioner **under Rule 32 (vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016** against the impugned order and therefore, the petitioner may be relegated to the revisional authority.

5. Having regard to the above made submissions, without going into the merits or demerits of the case, the petitioner is directed to approach the Divisional Commissioner by filing a statutory revision and raise all the questions before the Divisional Commissioner within a period of four weeks from the date of receipt of the order. On such revision being made, the Divisional Commissioner shall pass a reasoned orders on merits duly taking into consideration the grounds raised by the petitioner.

6. It is needless to mention that before passing any order the petitioner shall be put on notice and given an



opportunity of hearing. The entire exercise shall be completed within a period of sixty days from the date of receipt of the Revision. Any order passed shall be communicated to the party.

7. With the above directions, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

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