

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13593 of 2018

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Murlidhar Jha Son of late Narendra Jha Resident of Village and Police
Station- Mahilshi, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Saharsa.
3. The Sub-Divisional Officer, Saharsa, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG5

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

5 06-09-2023 1. The present writ petition has been filed for the
following reliefs;

*“(i) For setting aside the Order
dated 07.04.2018, passed by the Respondent
No.2 in Supply Appeal Case No.01 of 2017
(Annexure-6).*

*(ii) For setting aside the Order
of the respondent No.3, vide Memo No.260
dated 05.02.2017 (Annexure-5), whereby
P.D.S. Dealership License of the petitioner,
bearing No.346/2007 has immediate effect.
been cancelled with immediate effect.*

*(iii) For issuance of an
appropriate Order or Direction to the
Respondent-Authorities to restore the P.D.S.
Dealership Licence to the petitioner.*

*(iv) Any other relief/reliefs for
which the petitioners may be found entitled
in the facts and circumstances of the case.”*



2. Learned counsel for the petitioner has stated that the impugned order is passed by the authority concerned against the principle of natural justice and equity. Learned counsel for the petitioner has stated that without giving an opportunity of hearing to the petitioner, the appeal was decided after a period of almost nine months. Therefore, learned counsel for the petitioner has prayed this Hon'ble Court to allow the present writ petition.

3. *Per contra*, learned counsel appearing on behalf of the respondents has stated that the present writ petition is not maintainable as the petitioner has alternative efficacious remedy of filing a revision before the Divisional Commissioner and the petitioner may be directed to file a revision before the Divisional Commissioner.

4. Therefore, without going into merits or demerits of the case, having regard to the above made submissions, the petitioner is granted a leave to file a revision before the Divisional Commissioner against the order of the Appellate Authority dated 07.04.2018 within a period of two weeks from the date of receipt of the copy of this order. On such revision being filed, the same shall be entertained and necessary orders passed on merits in accordance with law within the statutory



period of sixty days. It is needless to mention that before passing any order, the petitioner shall be put on notice and given an opportunity of hearing. Any order passed shall be communicated to the parties.

With the above direction, the present writ petition stand disposed off.

(A. Abhishek Reddy, J)

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