

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23399 of 2018**

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Manori Sada S/o Late Ram Bhajju Sada, Resident of Village- Bari Simraha,  
P.S.- Alouli, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Sub- Divisional Officer, Khagaria.
3. The Block Supply Officer, Alouli, Khagaria.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Anand  
For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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

14    19-09-2023                      Heard the learned counsel for the parties.

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

*“That the present writ application is being filed for challenging the order dated 25.09.2018 passed by SDO Khagaria fully contained in Memo No. 403 whereby and where-under the Learned SDO Khagaria was pleased to cancelled the PDS License granted to the petitioner for carried out the business of PDS shop within the Panchayat Simraha.”*

3. Learned counsel for the petitioner has stated that  
basing on the report sent by the Block Supply Officer



(Respondent No. 3) vide Annexure-1, the Sub-Divisional Officer (Respondent No. 2) has issued a show cause notice to the petitioner vide Annexure-2 and, thereafter, the petitioner has given a detailed explanation to the said show cause vide Annexure-3 that the authority concerned without going through the explanation submitted by the petitioner has passed an order on 25.09.2018 vide Annexure-4. Learned counsel for the petitioner has stated that the petitioner was not provided opportunity of cross-examining the beneficiaries who have made a complaint against the petitioner. Moreover, learned counsel for the petitioner has stated there are absolutely no reasons even in the impugned order giving the reasons for passing the cancellation order therefore, prayed this Hon'ble Court to set aside the impugned order and remand the matter back to the Sub-Divisional Officer for passing orders afresh.

4. *Per contra*, learned counsel appearing on behalf of the respondents have vehemently opposed the very maintainability of the present writ petition and stated that the petitioner has an alternative and efficacious remedy of filing an appeal before the District Magistrate, Khagaria and the petitioner may be directed to approach the District Magistrate, Khagaria and the District Magistrate may be directed to dispose



off the appeal filed by the petitioner within the time fixed by this Hon'ble Court.

5. Having regard to the above made submissions, the present writ petition is disposed off with the direction to the petitioner to approach the District Magistrate, Khagaria by filing an appeal under Clause 32(iii) of the Control Order 2016 within a period of four weeks from the date of receipt of the copy of this order. On receipt of the appeal, the District Magistrate shall consider the grounds of appeal and pass reasoned order within a period of eight weeks thereof. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The District Magistrate shall consider the request of the petitioner for cross-examining the beneficiaries. Any order passed shall be communicated to the parties.

6. With the above direction, the present writ petition stands disposed off.

**(A. Abhishek Reddy, J)**

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