

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1667 of 2019

In

Civil Writ Jurisdiction Case No.21329 of 2019

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Deepak Kumar, Son of Surendra Singh, Resident of Village- Abulhasanpur,
P.S.- Vaishali, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna
2. The District Magistrate-cum-Collector Vaishali, District- Vaishali
3. The Sub Divisional Officer Hajipur, Vaishali, District- Vaishali
4. The Marketing Officer Vaishali, P.s.- Vaishali, District- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Nikhil Singh, Advocate
For the Respondent/s	:	Mr. S.Raza Ahmad, AAG-5 Mr. Alok Ranjan, A.C to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-07-2023

1. The petitioner is aggrieved with the judgment passed and the specific contention taken is that the impugned order did not have any reasons stated therein. The learned Single Judge specifically referred to the Bihar Targeted Public Distribution System (Control) Order, 2016 (in short 'Order of 2016'), under which the order was passed. The learned Single Judge also noticed that the show cause notice has been referred to and the explanation of the petitioner specifically extracted in the order. It is after extracting the show cause notice and the



explanation, the order was passed rejecting the contention on the requirement under Section 16 of the Order of 2016, having not been complied with. The learned Single Judge refused to exercise jurisdiction to interfere with the order and relegated the matter to the appellate authority. The learned Single Judge also noticed the decisions of the Hon’ble Supreme Court in **Central Board of Trustees Vs. M/s Indore Composite Pvt. Ltd.; 2018 (3) PLJR (SC) 380** and found that the proposition of law, as adumbrated therein, is too well established to be now further deliberated upon. However, the rigour of the said declaration does not apply to the impugned order.

2. We find absolutely no ground to interfere with the matter especially when the learned Single Judge has merely relegated the matter to the appellate authority.

3. The petition is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Prakash/avinash

AFR/NAFR	
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