

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2459 of 2024

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Munni Paswan @ Shiv Munni Paswan S/o Late Dashrath Paswan, R/o Vill. - Raipur Chor, P.S. - Shiv Sagar, Block - Shiv Sagar, Panchayat- Raipur Chor, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Rohtas, Sasaram, Bihar.
3. The Addl. District Magistrate, Rohtas, Bihar.
4. The District Food and Supply Officer, Rohtas, Sasaram, Bihar.
5. Mr. Santu Singh, Assistant District Food and Supply Officer, Sasaram, Rohtas, Bihar.
6. The Sub-Divisional Officer cum Licensing Officer, Sasaram, Bihar.
7. The Sub Divisional Officer cum Circle Officer, Shiv Sagar, Sasaram, Rohtas, Bihar.
8. Block Food and Supply Officer cum Block Development Officer, Shiv Sagar, District - Rohtas, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.
For the Respondent/s : Mr. Addl. Advocate General (7)

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

2 08-05-2024 Heard the learned counsels for the parties.

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

(A) A writ in the nature of Certiorari or any other appropriate writ/s, order/s, direction/s, for:

“i. Quashing Order dated 15.09.2021 in Supply Case No. 12/2021-22 as contained in Memo No. 430, whereby and where under the Sub-



Divisional Officer cum Licensing Officer, Sasaram, in light of the inspection of PDS Shop of the Petitioner by Executive Magistrate, Sasaram and Sub Divisional Officer cum Circle Officer, Shiv Sagar, ordered Cancellation of PDS License [License No. 47/2007 (EPDS CODE – 123400100147)] of the Petitioner on account of the various allegations against the petitioner including supplying kerosene oil in lesser quantity than the sanctioned quantity to the public and black marketing.

ii. Quashing Order dated 14.07.2023 passed in Supply Appeal Case No. 18 of 2021 passed by the Collector Cum District Magistrate, Rohtas.

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s, for directing the respondent authorities for the following:

i. To restore the PDS license of the Petitioner bearing License No. 47/2007 (EPDS CODE – 123400100147) which has been cancelled vide order dated 15.09.2021 in Case No. 12/2021-22 as contained in Memo No. 430, passed by the Sub-Divisional Officer cum Licensing Officer, Sasaram.”



3. Without going into the merits or demerits of the case, having regard to the fact that the petitioner is having an alternative and efficacious remedy of filing a revision under Section 32(vi) of the Control Order 2016. The petitioner is directed to approach the Divisional Commissioner ventilating his grievance within a period of four weeks from the date of the receipt of a copy of this order. On receipt of the revision, the Divisional Commissioner shall pass necessary orders strictly in accordance with law within a period of four weeks thereof. It is needless to mention that before any order is passed, all the parties shall be put on notice and given an opportunity of hearing and submit their objections. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks thereof. Any order passed shall be communicated to all the parties.

4. With the above said directions, the writ petition stand disposed off.

(A. Abhishek Reddy , J)

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