

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3362 of 2024

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Ghura Musahar Son of Late Mohan Murari Musahar Resident of Vilalge-Kharkholi, P.O.-Durgawati, P.S.-Durgawati, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The Collector-Cum-District Magistrate, Kaimur
5. The Sub Divisional Officer, Mohania, Kaimur
6. The Block Supply Officer, Durgawati, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Adv.
For the Respondent/s : Mr. Standing Counsel 4

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

2 19-06-2024 Heard the learned counsels for the parties.

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

“(i) for issuance of a writ in the nature of Certiorari for quashing of the order dated 16.09.2023 passed in Supply Appeal No. 04/2023 by the District Magistrate, Kaimur, who rejected the appeal of the petitioner which was filed by the petitioner being aggrieved by the order of the Sub Divisional Officer, Mohania as contained in Memo No. 2020/Aa dated 03.03.2023, by which the license of the petitioner bearing P.D.S. license No. 21/2016



granted under the provisions of the P.D.S. order for carrying on the business under Public Distribution System was cancelled without considering the reply of the petitioner in Appeal before the District Magistrate, Kaimur and solely relying on the Inquiry report of the Block Supply Officer, Durgawati and recommendation of the Sub Divisional Officer, Mohania, Kaimur, which are also liable to be set-aside as the same have been passed in violation of the principles of the Natural Justice, in as much as the Impugned Orders have been passed without considering the facts and circumstances of the case.

(ii) Further for directions in the nature of Mandamus to the respondents to restore the license of the petitioner and also to restore the supply to the Licensee under the Public Distribution System bearing License No. 21/2016.”

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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