

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4863 of 2023

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Mahendra Sah Son of Late Ramnarayan Sah, Resident of Village-Kachnpur,
P.O.-Rajasan, P.S.-Bidupur, District-Vaishali ... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
 2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
 3. The Collector-cum-District Magistrate, Vaishali.
 4. The Additional District Magistrate, Vaishali.
 5. The Sub-Divisional Officer (SDO) Hajipur, Vaishali.
 6. The District Supply Officer, Hajipur, Vaishali.
 7. The Assistant District Supply Officer, Hajipur, Vaishali ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Bipin Bihari Singh, Adv.
For the Respondents : Mr.S.Raza Ahmad, AAG V

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

14 15-04-2024 Heard the parties.

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

(i) For issuance of an appropriate writ/ writs in the nature of certiorari for setting aside the order-dated 15.12.2022 passed and issued in Memo No. 868 by the learned Additional District Magistrate, Vaishali in PDS Appeal Case No. 34/2022-23 (Mahendra Sah Vs. Sub-Divisional Officer, Hajipur), whereby his appeal was rejected without proper consideration of pleading to parties, arguments and judicial citations dealing moreover similar cases and in operation without proper consideration as meant for and order-dated 08.07.2020 passed by the Sub- Divisional Officer,



Hajipur, Vaishali in Supply Case No. 14 of 2018 and PDS Shop License No. 10 of 2016 was affirmed/upheld when the said order was passed after inordinate delay, without serving enquiry report, non-consideration of his show-cause without providing opportunity of hearing or cross-examine the witnesses, who supported the alleged charges, which resultant for cancellation of PDS Shop.

(ii) For commanding and directing the Licensing Authority (Respondent No. 5) to restore the PDS License No. 10 of 2016 (earlier License No. 16/07) in favour of the petitioner and allow him to continue with the supply of food grains and other items covered under the said license, so that petitioner can continue his livelihood.

(iii) And for any other relief reliefs for which the petitioner is found to be entitled under the provision of law involved in the present case.

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 of**.

(A. Abhishek Reddy , J)

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