

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7017 of 2024

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Deepak Kumar Verma Son of Shri Rajeshwari Prasad Verma Resident of
Village - Telcha Near Dakghar, Prastimpur, Police Station - Janta Bazar,
District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-the Principal Secretary, Food and Civil Supply, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Saran at Chapra.
3. The Collector-cum-the District Magistrate, Saran, Chapra.
4. The District Supply Officer, Saran at Chapra.
5. The Sub-Divisional Officer, Chapra Sadar, Saran at Chapra.
6. The Circle Officer, Lahladpur, Saran at Chapra.
7. The Block Supply Officer, Lahladpur, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate.
For the Respondent/s : Mr. Addl. Advocate General (4).

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

2 13-09-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the memo no. 1694 dated 13.09.2017 issued under the signature of the Sub Divisional Officer, Sadar Chapra, Saran, by which, the PDS license of the mother of the petitioner for Gram Panchayat Raj Purshotimpur, Block- Lahladpur, District - Saran at Chapra bearing License No. 18/2016 has been cancelled with immediate effect on



frivolous grounds without appreciating the true facts and circumstances of the case.

(ii) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 26.12.2022 passed by the District Magistrate, Saran at Chapra in Supply Appeal No. 01/18 (Gyanwati Devi vs. the State of Bihar through Sub Divisional Officer, Sadar Chapra, Saran) by which, he has disposed of the said case rejecting the claim of the petitioner for setting aside the order of the Sub Divisional Officer, Lahladpur, Saran at Chapra without application of mind as earlier there was no such allegation of lifting the food-grains and selling the same in the black market and such an allegation has been raised by the District Magistrate, Saran at Chapra in the said order for the first time. Furthermore, initially the complaint filed by some of the complainants has been withdrawn and, therefore, there is no proved charges of black marketing by the petitioner and it is the conjecture and surmises of the respondent authorities concerned. So far as the other allegation that the mother of the petitioner did not provide relevant registers for certification during the course of enquiry for which, the mother of the petitioner has already submitted her defense but the same has not been considered. Moreover, only not providing the relevant registers on asking, cannot be a ground for cancellation of PDS license. However, it is stated that the petitioner complaint filed by some of the



beneficiaries initially was withdrawn by them which is evident from the order dated 27.05.2017 passed by the Collector (Public Grievance Redressal), District -Saran-cum- the First Appellate Authority, Saran in which, it has specifically been mentioned that the complainants, who had filed the complainant against the mother of the petitioner, has stated that the dealer, namely, Gyanwati Devi has distributed the foodgrains and they have no complain against her and they wish to withdraw their complaint and, thereafter, only the Collector (Public Grievance Redressal), District -Saran-cum- the First Appellate Authority, Saran has concluded the proceeding. So far as the allegation that the mother of the petitioner did not reply to the first and second show cause reply is concerned, it is stated that since the mother of the petitioner was a heart patient, she was moving here and there in connection with her treatment and, therefore, she could not reply to the first and second show-cause notice issued by the Sub Divisional Officer, Lahladpur, Saran but these facts have not been considered and the aforesaid appeal filed by the mother of the petitioner has erroneously been rejected.

(iii) For issuance of an appropriate writ in the nature of mandamus as an alternative prayer of the petitioner for directing the respondent / Divisional Commissioner, Saran Division, Chapra to dispose of the supply revision filed by the petitioner



before him on 25.05.2023, in which he has prayed for grant of PDS license to him on compassionate ground after the death of her mother (Gyanwati Devi) by setting aside the order contained in letter no. 1694 dated 13.09.2017 as also the order dated 26.12.2022 passed by the Appellate Authority i.e. the District Magistrate in Supply Appeal No. 01/2018 (Gyanwati Devi vs. the State of Bihar and Others).

(iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to grant PDS license in the name of the petitioner on compassionate ground as his mother died on 08.10.2021 due to heart attack and as per the provisions contained in Rule 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the petitioner is entitled to be given the PDS license on compassionate ground without any further delay as he fulfills all the eligibility criteria.

(v) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to do the necessary formalities as the petitioner has already filled up the form on 25.01.2022 with all necessary information for grant of PDS license on compassionate ground but the Block Supply Officer, Lahladpur, District - Saran as well as the District Supply Officer, Saran is not recommending / forwarding the application of the



petitioner for grant of PDS license on compassionate ground and, hence, the respondent authorities concerned may kindly be directed to do the needful and necessary formalities so that the petitioner can be granted the PDS license on compassionate ground without any further delay.”

3. Learned counsel appearing on behalf of the petitioner has stated that as against the order passed by the appellate authority dated 26.12.2022, the petitioner has preferred a revision and the same is pending adjudication. Learned counsel has stated that the revision filed by the petitioner is pending since May, 2023, therefore, a direction may be issued to the Respondent No. 2 to dispose of the revision on its own merits as expeditiously as possible.

4. Learned counsel for the respondents has stated that he has no objection if a time frame is fixed and direction is given to the Respondent No. 2 to dispose of the revision on merits.

5. Having regard to the above made submissions, the present writ petition stands disposed of directing the Divisional Commissioner, Saran Division, Saran at Chapra i.e. Respondent No. 2 to dispose of the revision filed by the petitioner as expeditiously as possible preferably within a period of six



weeks from the date of the receipt of the copy of this order strictly in accordance with law. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the party.

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

(A. Abhishek Reddy, J)

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