

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.662 of 2021

In

Civil Writ Jurisdiction Case No.5511 of 2021

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Mina Kumari wife of Jagmohan Ravidas and daughter of Dipan Mochi,
Resident of Village-Malama, P.S. Hilsa, District-Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Nalanda at Biharsharif.
3. The Licensing Authority-cum-Sub-Divisional Officer, Hilsa, Nalanda.
4. The Block Supply Officer, Hilsa, Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Kumar, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-07-2024

The appellant is concerned with the cancellation of a PDS license. The learned Single Judge rejected the contention on the ground that there is a revision, an alternate remedy, before the Divisional Commissioner in terms of Rule 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

2. The learned counsel for the appellant



argued that there is a defect in the show-cause notice since no cancellation had been threatened. It is also submitted that the remedy of revision is not efficacious. On these grounds, the learned counsel for the appellant seek invocation of the power under Article 226 of the Constitution of India.

3. The power under Article 226 of the Constitution of India is to be invoked only in extraordinary circumstances, and it is trite that it is a discretionary remedy. The learned Single Judge having declined discretion, it is not for the Division Bench to sit in appeal over such an order unless it is found to be grossly perverse. It is not as if the Divisional Commissioner, the Revisional Authority would not have the power to examine the matter.

4. We also cannot countenance the arguments of the learned counsel for the appellant that the remedy is not efficacious since the appeal filed in the year 2021 remained pending in this Court for three years, within which time a revision definitely would have been



disposed of by the Revisional Authority.

5. We find absolutely no reason to entertain the writ petition at this point of time; the writ petition would stand dismissed but however leaving the remedy to file a revision.

(K. Vinod Chandran, CJ)

(Nani Tagia, J)

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