

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16577 of 2023

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Lakshmi Sah @ Laxmi Sah Son Bachu Sah, Resident of Village - Shambhu Chapra, Basahi, Tajpur, Police Station - Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The District Magistrate, Saran at Chapra.
4. The Sub-Divisional Officer, Chapra Sadar, Saran at Chapra.
5. The Block Supply Officer, Lahladpur, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

2 26-10-2024 Heard the learned counsels for the parties.

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

“I. For issuance of an appropriate writ in the nature of certiorari for quashing the memo no. 1066 dated 21.09.2021 issued under the signature of the Sub Divisional Officer, Sadar Chapra, Saran, by which, he has cancelled the PDS license of the petitioner bearing License No. 25/2016 for Gram Panchayat Raj basahi, Blcok – Lahaladpur, District – Saran with immediate effect for the false and frivolous charges irregularity levelled against the petitioner in functioning the PDS shop, without considering the category wise reply of the petitioner and without considering the fact that the petitioner had been running his PDS shop without any complain by any one of the beneficiaries.

II. For issuance of an appropriate writ in the nature of certiorari for quashing the order dated



25.08.2023 passed by the Appellate Authority-cum-the District Magistrate, Saran at Chapra, by which, he has finally disposed of the supply Appeal No. 24/2021 (Lakshmi Sah vs. The State of Bihar and Anr.) rejecting the appeal of the order of the sub Divisional Officer, Sadar Chapra, cancelling the PDS license of the petitioner, without assigning any reason and has only reiterated the order passed by the Sub-Divisional Officer, Sadar Chapra, Saran even though the Division Bench of this Hon'ble High Court in the order dated 23.11.2022 passed in the case of the petitioner vide C.W.J.C. No. 7716/2022 (Lakshmi Sah vs. the State of Bihar and Others) has specifically directed the appellate authority to pass a reasoned order in the appeal filed by the petitioner.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to restore the license of the petitioner bearing license no. 25/2016 granted to him for distribution of foodgrains under Public Distribution System for Grap Panchayat Raj Basahi, Block- Lahladpur, District – Saran, so that the petitioner might be able to distributed the essential commodities to the ration card holders, as the license of the petitioner has been cancelled on false and frivolous allegation of irregularities in functioning of PDS shop.”

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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