

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19238 of 2018

=====

Punyadev Prasad Yadav Son of Langer Yadav, Resident of Village-
Madhubani Ghat, P.S.- Motihari Muffasil, Dist- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Motihari East Champaran.
3. The District Supply Officer, Motihari Sadar.
4. The Sub-Divisional Officer Supply, Motihari East Champaran.
5. The Block Development Officer, Motihari, East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Respondent/s : Mr. S.Raza Ahmed -AAG-5

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-07-2025

1. The Writ petition is filed for the following
reliefs:-

*(I). For issuance of a writ/writs,
order/orders, direction/directions
issued to quash the order dated
17.06.2014 in appeal No. 37 of
2012 passed by respondent No. 4
(S.D.O. Sadar East Champaran)
and restore the P.D.S. (Public
Distribution System) shop*



*bearing licence No. 49R/07
(Annexure-5)*

*(II). For issuance of any other
reliefs as your Lordships may
deem fit and proper for the ends
of justice.*

2. The brief facts, as culled out from the Writ petition, are that on 19.07.2017, the informant (BDO-cum-Marketing Officer) submitted a written application before the Officer-in-Charge, Mothihari Muffasil P.S. for seeking registration of an FIR against the petitioner. The allegation was that during the distribution of kerosene oil, for the month of June, 2012, on 13.07.2017 and 14.07.2012, the petitioner irregularly collected the coupons for July 2012 as well.

3. It is also urged that the consumers demanded their July coupon, which were allegedly taken by the petitioner. When the petitioner failed to return the said coupons, the consumers protested on protest on 17.07.2012 at about 07:30 A.M. on the road, from Madhubani Ghat to Motihari Block, expressing their dissatisfaction over the



irregular collection of coupons.

4. Upon receiving information, the informant reached the protest site, where the consumers submitted a joint application alleging the irregularity committed by the petitioner. Thereafter, the Sub-Divisional Officer (SDO), Motihari submitted an application requesting to lodge an FIR against the petitioner (PDS Dealer) for which a case was registered as case No. 222 of 2017, on the file of Motihari Muffasil P.S..

5. It is further contended that the Sub-Divisional Officer (SDO), Sadar vide Letter dated 27.07.2012, suspended the licence of the petitioner without issuing any show cause notice.

6. Aggrieved by the same, the petitioner filed several appeals before the District Magistrate, Motihari. The District Magistrate by order dated 19.11.2013, was pleased to remit the matter to the SDO, Motihari, by setting aside the earlier order bearing No. 353 dated 27.07.2012, and directed the Sub-Divisional Officer (SDO) to provide reasonable opportunity to the petitioner.



7. It is also contended that the Sub-Divisional Officer (S.D.O.), Sadar, issued Memo No. 44 dated 12.02.2014, i.e., calling upon the petitioner to file his reply within 48 hours, without providing reasonable time to respond. Furthermore, essential documents such as Memo No. 2155 dated 17.07.2002, Letter No. 387 dated 20.01.2012, and Letter No. 128 dated 16.08.2012 were not supplied to the petitioner, depriving him of an adequate opportunity to defend himself. Without considering these aspects, the Sub-Divisional Officer (S.D.O., Sadar), passed an order dated 17.06.2014 arbitrarily suspending the petitioner's licence.

8. Being aggrieved by the orders, the present Writ petition is filed contending that he was not provided with sufficient opportunities to be heard.

9. Heard the learned counsel for the petitioner as well as the Learned counsel for the respondents.

10. Upon perusal of the order, it is evident



that the petitioner is aggrieved by the orders passed by the Sub-Divisional Officer (SDO, Sadar). However, it is also noted that there exists an alternative effective remedy for the petitioner to prefer an appeal against the order of Sub-Divisional Officer before the Learned District Magistrate. In spite of having an alternative remedy, the petitioner has directly approached this Court. Therefore, this Court is of the considerable view that the petitioner shall avail the alternative remedy of appeal before the competent appellate authority within one month from the date of receipt of a copy of this order. The petitioner shall raise all his grievances and file supporting documents before the appellate authority. In turn, the appellate authority shall liberally consider the limitation aspect, as the Writ petition was filed in the year 2018, challenging the orders of the Sub-Divisional Officer (S.D.O.), Sadar. Further, the appellate authority shall dispose of the matter within a period of three months from the date of filing of the representation.



11. With the aforesaid observations, the
Writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.08.2025
Transmission Date	

