

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5944 of 2025

Vakil Ram, Son of Late Gopi Chand Ram Resident of Kadmahwatola, P.S.-
Bhairava, Majheria, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply,
Government of Bihar, New Secretariat, Patna.
2. The Divisional Commissioner, Tirhut Range, Muzaffarpur.
3. The District Magistrate, District- West Champaran, Bettiah.
4. The Additional District Magistrate, West Champaran, Bettiah.
5. The Sub Divisional Officer, Bagaha, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Senior Advocate with
Mr. Manini Jaiswal, Advocate.

For the Respondent/s : Mr. Arvind Ujjawal, SC-4.

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

5 29-08-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following relief(s):-

*“(i) For quashing the order
contained in memo no. 86 dated
14.02.2022 whereby and whereunder
PDS License No. 09/1997 of the
petitioner was cancelled. The order dated
14.02.2022 was inadvertently signed in
the column of memo no. 86 as 2021 and
the same may be read as memo no. 86
dated 14.02.2022.*

*(ii) For quashing the order
contained in memo no. 606 dated
19.07.2023 issued under the signature of*



Respondent Sub-Divisional Officer, Bagaha, whereby and whereunder the earlier order of cancellation dated 14.02.2022 was upheld.

(iii) For quashing the order dated 14.12.2024 passed CRM NO. 1466/21-22 passed by the respondent Additional District Magistrate whereby and whereunder the appeal preferred by the petitioner was rejected.

(iv) For restoring the PDS License No. 09/1997 of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed as a PDS dealer in the year, 1997. Thereafter, the inspection of PDS shop has taken place on 17.01.2022 and a report was submitted by the Block Supply Officer to the Sub-Divisional Officer. The Sub-Divisional Officer on the basis of the said report has issued a show-cause notice to the petitioner dated 17.01.2022 (Annexure P/1). In the said show-cause notice, it is specifically averred among other allegations that the some of the consumers associated with the PDS shop of the petitioner, namely, Manju Devi, Indradev Yadav, Gena Devi, Matuman Turha, Nathu Devi, Laalsa Devi, Jiut Turha, Shanti Devi and Ramavati Devi have complained that the petitioner has supplied less quantity of food-gains and has also charged more money. Further, that one of the consumers by name of Naina Devi has also stated that the Kerosene Oil has not been given to her by the petitioner for the



last five months. Learned counsel has stated that the authority without furnishing the copy of the statements made by the above named beneficiaries has proceeded with the matter and passed the order of cancellation of PDS licence. Further, learned counsel for the petitioner has stated that this Court on an earlier occasion in CWJC No. 11007 of 2024 dated 29.01.2025 on similar grounds has set aside the order of cancellation, the order of the appellate authority and that of the revisional authority and remanded the matter back to the authority concerned. Learned counsel submits that the impugned order passed by the appellate as well as the Sub-Divisional Officer may also be set aside and the matter remanded back to the Sub-Divisional Officer for passing orders afresh duly serving the copy of the statements made by the beneficiaries who had allegedly made the complaint against the petitioner and also the copy of the enquiry report.

4. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition and also the prayer sought for in the present writ petition. Learned counsel has stated that as against the orders dated 14.12.2024 passed by the Additional District Magistrate, West Champaran, Bettiah in



Appeal No. CRM No. 1466/21-22, the petitioner is having an efficacious and alternate remedy of filing a statutory revision under Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016. That the petitioner without filing the revision has straightaway approached this Hon'ble Court by way of the present writ petition, therefore, the same is liable to be dismissed.

5. A perusal of the impugned order dated 19.07.2023 passed by the Sub-Divisional Officer, Bagaha, West Champaran Bettiah reveals that though allegations have been made against the petitioner alleging that some of the beneficiaries, namely, Manju Devi, Indradev Yadav, Gena Devi, Matuman Turha, Nathu Devi, Laalsa Devi, Jiut Turha, Shanti Devi and Ramavati Devi have given statements stating that they have been issued less quantity of food-grains than what they were entitled to and that the petitioner has charged more amount, that one of the beneficiaries by the name of Naina Devi has given her statement alleging that the petitioner has not given the Kerosene Oil for the last five months. The copy of the above made statements have not been furnished to the petitioner. Further, the petitioner has also stated that the copy of the enquiry report has also not been served to the petitioner. This Court vide order dated



17.10.2023 passed in CWJC No. 248 of 2023 under similar circumstances held that the copy of the enquiry report is required to be annexed to the show cause notice so as to enable the petitioner to know the true facts and the allegations made against him and also whether the enquiry was done in a fair manner or not. Further, this Court has time and again held that whenever the statements of any beneficiaries attached to the PDS shop are taken, the authorities are obligated to furnish the copy of a said statements to the petitioner. Furnishing the copy of the statements made by the beneficiaries will enable the petitioner to file an effective explanation to the show-cause notice. However, in this case, as seen from the record, the same have not been served on the petitioner along with the show-cause notice.

6. Having regard to the same, the impugned order dated 14.02.2022, the order dated 19.07.2023 passed by the Sub-Divisional Officer and the order dated 14.12.2024 passed by the appellate authority are both set aside. The matter is remanded back to the Sub-Divisional Officer for passing orders afresh. The authority before passing any orders shall put the petitioner on notice duly enclosing the copy of the enquiry report and the statements made by the beneficiaries against the



petitioner giving reasonable opportunity to file a fresh explanation to the said show-cause notice. The authority shall endeavour to pass necessary orders as expeditiously as possible preferably within a period of twelve weeks from the date of the receipt of the copy of this order. Any orders passed, shall be communicated to the party.

7. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

shakir/-

U			
---	--	--	--

