

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6341 of 2025

Kartikesh Kumar Thakur S/o Shankar Thakur R/o Village-Harinagar,
Panchayat Khadka Basant Dakshini, Block-Bokhara, PS Bokhara, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Harding Road, Patna, Bihar-800015.
2. The District Magistrate (D.M.), Sitamarhi District Magistrate Officer, Dumra, Sitamarhi, Bihar-843301.
3. The Sub-Divisional Magistrate (S.D.M.), Pupari Sub-Divisional Magistrate Office, Pupari, Sitamarhi, Bihar-843320.
4. The Block Supply Officer, Pupari Block Supply Office, Pupari, Sitamarhi, Bihar-843320.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate.
For the Respondent/s : Mr. Standing Counsel (8)

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

2 19-06-2025 Heard learned counsel for the parties.

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

(i) For issuance of a writ of certiorari or any other appropriate writ, order or direction quashing the impugned order dated 05.07.2024 (Memo No. 509) passed by the Respondent Sub-Divisional Magistrate, Pupari canceling the petitioner's PDS License No. 208/2019, as well as the appellate order dated 07.01.2025 passed by the Respondent District Magistrate, Sitamarhi, in Supply Appeal Case No. 46/2024. The said orders are arbitrary, malicious and legally unsustainable, as they are predicted on an inquiry report tainted with procedural irregularities and devoid of due



process. The inquiry was conducted behind the petitioner's back, in blatant disregard of the cardinal principle of Audi Alteram Partem, thereby denying the petitioner an opportunity to present a defence or refute the allegations. Moreover, the respondent authorities, without applying a judicious mind, summarily dismissed the petitioner's well-substantiated response, which included critical evidence such as medical records corroborating the petitioner's illness during the relevant period and affidavits from beneficiaries affirming receipt of rations. Such an arbitrary dismissal, coupled with the reliance on a procedurally flawed inquiry report, constitutes a gross violation of natural justice principles and renders the impugned orders void and unsustainable in law.

(ii) For directing the restoration of the petitioner's PDS License No. 208/2019, as the illegal cancellation has not only deprived the petitioner of their right to livelihood but also caused irreparable damage to their reputation and means of sustenance, contrary to the petitioner's fundamental rights under Articles 14,19 and 21 of the Constitution.

(iii) For restraining the Respondents from creating any third-party rights over the petitioner's PDS Shop, to another dealer during the pendency of this writ application."

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.

4. It is needless to mention that before any order 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.

5. With the above directions, the present Writ petition stands disposed of.

(A. Abhishek Reddy, J)

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