

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9342 of 2019

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Mosmat Chinta Devi @ Chinta W/o Late Mukundi Lal R/o Village-Bathuaa
Bazar, P.S.-Phulwaria, District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The Commissioner Saran Division, Chapra
3. The Collector cum District Magistrate Gopalganj at Gopalganj
4. The Sub Divisional Officer Hathua, District-Gopalganj
5. The Block Supply Officer Phulwaria, District-Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-10-2025

1. The Writ petition is filed to quash the order dated 07.03.2019 contained in Memo No. 274 passed by Sub-Divisional Officer, Hathua, Gopalganj (Respondent No. 4), whereby the licence of the petitioner for PDS shop bearing No. 01 of 2016 for supply of food-grains, kerosene oil to the consumer/beneficiaries has been cancelled. The petitioner further prays for restoration of the PDS dealership licence bearing No. 01 of 2016 granted to her and for permission to continue the dealership business.



2. The brief facts as culled out from the Writ petition are that the petitioner was granted a PDS dealership licence in the year 2016 vide Licence No. 01 of 2016. She received a notice dated 24.12.2018, contained in Memo No. 505/मु0 pursuant to the Inspection Report prepared by the Circle Officer, Barauli and Circle Officer, Phulwaria on 11.12.2018.

3. The petitioner submitted a detailed reply to the show cause notice, however, the same was found unsatisfactory, again a second notice was issued to her. On 02.01.2019, the petitioner appeared before the Sub-Divisional Officer along with relevant documents and filed a written clarification and explanation, in response to the show cause notice dated 24.12.2018.

4. It is stated that on the night of 10.12.2018, the petitioner's blood sugar levels increased and due to her health condition, she was advised by the doctor to take rest up to 12.12.2018. In fact, on the date of inspection, she was not present at the shop due to her illness. It is the specific contention of the Learned counsel for



the petitioner that she had filed medical prescription along with the show-cause reply, which was not duly considered by the authorities.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

6. It is the specific contention of the Learned counsel for the petitioner that the cancellation order does not discuss about the documents which was submitted by the petitioner along with the show cause reply, which amounts to violation of the principles of natural justice. It is also submitted that the Inspection Report was also not also not furnished to the petitioner. The contention of the Writ petition disclose that notices were issued twice to the petitioner, for which the petitioner submitted explanations on both occasions.

7. Upon perusal of the explanations submitted by the petitioner, it is evident that there is no mention that the Inspection Report was served upon her. However, the petitioner has an alternative remedy to prefer an appeal, but without



availing the same, the present Writ petition has been filed. This Court finds that there is no violation of principles of natural justice so as to interfere the impugned order.

8. Taking into consideration that the petitioner has an effective alternative remedy, therefore, the petitioner is directed to approach the appellate authority by preferring an appeal within one month from the date of receipt of this order. The appellate authority shall liberally consider the limitation aspect, as the writ petition has been filed in the year 2018. In turn, the appellate authority shall dispose of the appeal within three months from the date of filing of the appeal.

9. With the aforesaid discussion, the Writ petition shall stand disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.10.2025
Transmission Date	

