

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11197 of 2019

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Ramdev Paswan Son of Late Gena Paswan R/o Village-Bavangama, P.S.-
Bihpur, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna
2. The District Magistrate-cum-Collector Bhagalpur
3. The District Supply Officer Bhagalpur, Bihar, Patna
4. The Sub-Divisional Officer-cum-Licensing Authority Naugachia, District-Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishwajeet Pandey, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 23-09-2025

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

"I. To issue a writ in the nature of certiorari for quashing the order dated 6-12-2009 passed by the respondent No. 4 i.e. the Sub - Divisional Officer-cum-Licensing authority, Naugachia vide memo No. 647 dated 6-12-2009 by which the respondent No. 4 cancelled the license of P.D.S. of the petitioner.

II. To issue a writ in the nature of Mandamus commanding the Respondents to grant the license of P.D.S. in favour of



the petitioner forth with, because there is no illegality or irregularity surfaced under the Bihar Trade Articles (License Unification) order 1984 by the petitioner.

III. To issue a writ in the nature of mandamus to renew the license of P.D.S. of the petitioner forth with.”

2. The brief facts culled out of the Writ petition are that the respondent No. 4 was granted license of the Fair Price Public Distribution Shop in favour of the petitioner bearing License No. 2/2001 for village Bavangama P.S. Bihpur, District Bhagalpur. On 02.09.2006 the shop of the petitioner was inspected by the team of Sub-Divisional Level Officer and it was alleged that some irregularities were found and show cause was issued to the petitioner vide Letter No. 425 dated 03.09.2006 which was answered by the petitioner. Further, on 26.09.2006 another show cause notice was issued vide Letter No. 467 and the petitioner was directed to reply for the notice on or before 04.10.2006. In compliance of the said notice, the petitioner submitted a show cause reply which was rejected by the Respondent



No. 4 and the license of the petitioner got suspended on 26.09.2006.

3. After submission of explanation, the Respondent No. 4 issued Memo No. 647 dated 06.12.2009 cancelling the license of the petitioner.

4. It is specific contention of the petitioner that the impugned order is illegal and arbitrary in nature, violating the principles of natural justice.

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

6. The Learned counsel for the respondents contended that there is an effective alternative remedy available for the petitioner by way of filing appeal before the District Magistrate and instead of availing the alternative remedy the present Writ petition is filed which is not at all maintainable.

7. On perusal of the record, it is evident that the license of the petitioner was suspended on 26.09.2006 and later the license was cancelled on 06.12.2009. The Writ petition is filed in the year 2019 after a span of 10 years. However, the Learned



counsel for the petitioner seeks liberty to prefer an appeal before the appropriate authority for availing the remedy, therefore, liberty is granted to the petitioner to avail the alternative remedy.

8. The petitioner shall prefer an appeal before the appropriate authority within four weeks from the date of receipt of this Order. In turn, the appellate authority shall liberally construe the limitation aspect in accordance with law as the Writ petition was filed in the year 2019. Further, the appellate authority shall pass appropriate order within three months from the date of filing of the appeal.

9. With the aforesaid observation, the Writ petition stands disposed of.

10. Interlocutory Application(s), if any, shall also stand disposed of.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.09.2025
Transmission Date	N/A

