

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12676 of 2019

Ashok Singh @ Ashok Kumar Singh Son of Late Dharamvir Singh Chairman of PACCS, Balaha - cum- PDS Dealer, Gram Panchyat Jaipur East, Narainpur, Bhagalpur, Resident of Village- Laha Narainpur, Police Station Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Sub-Divisional Officer, Navgachhiya.
5. The District Supply Officer Bhagalpur.
6. The Block Supply Officer, Narayanpur, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s N.K.Agrawal, Sr. Advocate Ranjan Kumar Jha Kumar Rajdeep Vikash Kumar, Advocates
For the Respondent/s	:	Mr. S.Raza Ahmad, AAG 5 Mr. Bijay Kumar, AC to AAG 5

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 15-04-2025**

1. The writ petition is filed for the following reliefs:

(i) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the order contained in Memo No. 435 dated 31.10.2017, issued under signature of the Sub-Divisional Magistrate, Naugachiya, whereby



the PDS license of petitioner bearing no. 03 of 2011 has been cancelled with immediate effect.

(ii) For issuance of writ in the nature of any other appropriate writ for quashing of the order dated 21.01.2019, issued under signature of the District Magistrate, Bhagalpur, whereby the order cancelling the PDS license of petitioner contained in memo No. 435 dated 31.10.2017, passed by the Sub-Divisional Officer, Naugachiya has been affirmed and appeal preferred by the petitioner has been dismissed.

iii) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondent authority to restore the PDS license of petitioner bearing No. 03 of 2011.

iv) For issuance of any other writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.

2. At the outset, the Learned counsel for the respondents contended that Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of



revision. Section 32(v) and (vi) read as follows:

“32. (v) Till the disposal of appeal pending, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party under sub-clause (4) or until the appeal is disposed of, whichever is earlier.

(vi) Due to non disposal of the appeal within sixty days by the District Officer or against the order passed in the appeal, a revision may be filed before the Divisional Commissioner. The revision shall be disposed of within two months.

3. Admittedly, the present case is filed against the order of District Magistrate in Supply Appeal Case No. 179 of 2017-18 dated 21.01.2019.

4. At this juncture, the learned Senior Counsel for the petitioner draws the attention of this Court to the judgment passed by a Co-ordinate Bench of this Court in **CWJC No. 16216 of 2024 (Kare PACS Vs. The State of Bihar & Ors.)** (Annexure-C/1). The Learned Senior Counsel



contends that this matter is squarely covered by the aforesaid judgment passed by a co-ordinate Bench of this Court in **CWJC No. 16216 of 2024 (supra)**. Therefore, it is prayed that this writ petition may be disposed of on the same terms and conditions.

5. The Learned Counsel for the respondents, agreeing with the judgment passed by Division Bench of this Court in **CWJC No. 16216 of 2024 (supra)** and submits that this matter may be disposed of on the same terms and conditions as outlined in the aforesaid judgment.

6. In view of the fact that this matter is squarely covered by the aforesaid judgment, the Writ petition is allowed in light of the judgment passed in **CWJC No. 16216 of 2024 (supra)**, and the impugned orders dated 31.10.2017 (Annexure-6) and 21.01.2019 (Annexure-7) are, hereby, quashed. The respondent No. 4 is directed to restore the license in favour of the petitioner and and further directed to resume the supplies to the petitioner as expeditiously as possible preferably



within a period of four weeks from the date of receipt of a copy of this order.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2025
Transmission Date	

