

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14736 of 2019

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Narsingh Prasad Bimal Son of Late Doman Yadav Resident of Village-
Sarobagh Badi Govindpur, P.S.-Dharhara, District-Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna
2. The Principal Secretary Department of Food and Civil Supplies, Govt. of Bihar, Patna
3. The District Magistrate Munger
4. The Sub Divisional Officer Sadar, Munger
5. The Block Supply Officer Dharhara, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-10-2025

1. This is the second round of litigation. Initially, the petitioner filed the Writ petition No. 16837 of 2017, for quashing the order contained in Memo No. 342 dated 28.03.2017, passed by the Sub-Divisional Officer, Sadar, Munger and the appellate order dated 16.06.2017, in PDS Appeal No. 35/17-18 passed by the District Magistrate, Munger by which the licence of the petitioner's Fair Price Shop bearing



No. 20/2008(old) and 2400040219/2016(new) was cancelled.

2. The said Writ petition was disposed of on 19.06.2018, with an observation that non-supply of Inquiry Report to the petitioner has resulted in violation of principles of natural justice. Consequently, the impugned orders dated 28.03.2017, and the appellate order dated 16.06.2017, were quashed and the matter was remanded to the Sub-Divisional Officer, Sadar, Munger for fresh consideration after supplying a copy of the Inquiry Report to the petitioner and granting opportunity of hearing in accordance with law. Further, the supplies to the petitioner were restored as per the orders of this Court.

3. The present Writ petition has been filed to quash the order dated 13.02.2019, passed by respondent No. 4, Sub-Divisional Officer, Sadar, Munger, whereby the licence of the petitioner's PDS shop bearing No. 20/2008 was cancelled without giving an opportunity of hearing, as directed by this



Court vide order dated 19.06.2018, passed in CWJC No. 16837 of 2017.

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

5. The petitioner has an alternative effective remedy to challenge the orders of the Sub-Divisional Officer, before appellate authority i.e. District Magistrate. In spite of availing the remedy, the petitioner approached this Court. This Court had already directed the respondents to restore the supplies and to pass fresh orders by quashing the initial cancellation and appellate orders.

6. If at all, the orders of the Court were not complied, the effective alternative remedy for the petitioner is to file a contempt case, In stead of that, the petitioner has filed the present Writ petition challenging the orders of the Sub- Divisional Officer, where the licence of the petitioner was cancelled.

7. Admittedly, there is an effective alternative remedy available for the petitioner. Therefore, the petitioner is directed to prefer an



appeal against the orders of Sub-Divisional Officer, Sadar, Munger dated 13.02.2019, before the appellate authority within two months from the date of receipt of this order. The appellate authority shall liberally consider the limitation aspect, as the writ petition was filed in the year 2019.

8. It is needless to say that the appellate authority shall grant a fair opportunity of hearing to the petitioner and it shall dispose of the appeal within three months from the date of filing of the appeal.

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

(G. Anupama Chakravarthy, J)

Manish/-

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

