

Pramod Singh Vs State Of Bihar And Ors

Court: Patna High Court

Date of Decision: Sept. 23, 2020

Acts Referred: Bihar Co-operative Societies Act, 1935 " Section 13

Hon'ble Judges: Ashwani Kumar Singh, J

Bench: Single Bench

Advocate: Shashi Bhushan Kumar Manglam, Prashant Pratap, Gyan Shankar

Final Decision: Disposed Of

Judgement

1. Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me

for hearing through video conferencing.

2. The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of

application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

3. Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

4. Heard Mr. SBK Mangalam, learned counsel appearing for the petitioner and Mr. Gyan Shankar, learned counsel appearing for the State.

5. The petitioner seeks following reliefs in the present writ petition:-

(i) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 12.04.2020 passed by the respondent no.5 and contained

in his memo no.2433 dated 12.04.2020 whereby and whereunder the respondent no. 5 has been pleased to cancel the license of the petitioner under

the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as Control Order, 2016) on the ground that certain

irregularities were reported against the petitioner by the respondent nos. 6 and 7 when they had inspected the petitioner's shop on 26.03.2020

along with the Station Head Office of Kopa Police Station.

(ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities for restoration Public

Distribution System (hereinafter referred to PDS) License which was granted to the Cooperative Society which itself is a body corporate within

Section 13 of the Bihar Cooperative Societies Act, 1935 as also to restore the supply of the consumers attached with the said PDS shop.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the

facts and circumstances of the case.

6. In view of availability of an equally efficacious statutory remedy of appeal under the Bihar Targeted Public Distribution System (Control) Order,

2016, I am not inclined to entertain the present writ petition. It is disposed of with liberty to the petitioner to assail the impugned order by way of filing

an appeal before the concerned Collector.

7. In case, an appeal is filed before the appellate authority within ten days from today, the appellate authority shall be required to hear the same on

merits and shall also be required to dispose of the same as early as possible, preferably within three months from the date of its filing.

8. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered

appropriate to adopt the following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr.

Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of

the order passed by this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be sent to Mr. SBK Mangalam, learned counsel for the petitioner also on his email.

(v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.