

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1090 of 2021

Pashupati Sah

..... ... Petitioner

Versus

1. The State of Jharkhand.
2. The Secretary, Department of Food and Public Distribution & Consumer Affairs, Ranchi.
3. The Deputy Commissioner, Dumka.
4. The Deputy Development Commissioner, Dumka.
5. The Sub-Divisional Officer, Dumka.
6. The District Supply Officer, Dumka.
7. The Block Supply Officer, Dumka. Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Pankaj Kumar Choudhary, Advocate

For the Respondents :

03/25.03.2021 The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for quashing the order as contained in memo no.661 dated 3rd July, 2020 (Annexure-3 to the writ petition) passed by the District Supply Officer, Dumka-the respondent no.6 cancelling the petitioner's PDS licence no.19 of 1987 as well as the order dated 4th December, 2020 (Annexure-5 to the writ petition) passed by the Deputy Commissioner, Dumka-the respondent no.3 in R.M.A. Appeal No.02 of 2020-21, whereby the said order of the respondent no.6 has been affirmed and the appeal preferred by the petitioner has been dismissed.

Having heard learned counsel for the parties and keeping in view that the petitioner has the efficacious remedy of preferring second appeal before the Divisional Commissioner, Santhal Pargana Division, Dumka under Clause 30(i) of the Jharkhand Targeted Public Distribution System (Control) Order, 2019 (in short 'Control Order, 2019'), this writ petition is not maintainable at this stage.

The petitioner is, however, at liberty to take the recourse available under Clause 30(i) of the Control Order, 2019 by preferring second appeal before the court of Divisional Commissioner, Santhal Pargana Division, Dumka. If the petitioner, prefers the second appeal in the said court within one month from today along with the limitation application for condonation of delay, the same shall be considered liberally and the said second appellate authority, shall make all possible endeavor to dispose of

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the second appeal of the petitioner as expeditiously as possible preferably within a period of three months from the date of filing of the said appeal.

The writ petition is dismissed being not maintainable.

Rohit

(Rajesh Shankar, J.)