

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.107 of 2017

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Tirpit Mandal Son of Late Kari Mandal Resident of Village Ramoul, Police Station
- Hathouri, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Social Welfare,
Govt. of Bihar, Patna.
2. The Principal Secretary Department of Social Welfare Govt. of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Sub Divisional Officer, Rosera, District Samastipur.
5. The Sub Divisional Supply Officer, Rosera, District Samastipur.
6. The Block Development Officer, Shivajinagar, P.S. Shivajinagar, District
Samastipur.
7. The Block Supply Officer, Block Shivajinagar, P.S. Shivajinagar, District
Samastipur.
8. Siya Ram Mandal Son of Late Sukhdeo Mandal Resident of Village Rajour
P.O. Rajour Rambhadrapur Police Station Hathouri, District Samastipur.

.... Respondent/s

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-07-2017

Inter alia contending that between March, 2015
to October, 2015, respondent No. 8 who was the P.D.S dealer for
the area in question has not supplied the foodgrains to the
concerned beneficiaries under the ration cards and equipments
issued to them for these months in the distribution centre in three
wards as detailed in the writ petition namely Ward Nos. 8, 9, 10
of Rambhadrapur Panchayat and further contending that



complaints made to the authorities have not been replied to or enquired, petitioner has filed this writ petition.

Learned counsel appearing for the respondent State Government, on instructions objects to the maintainability of this petition and points out that if the supplies for the period March, 2015 to October, 2015 was not made, this petition filed after a long period of time in the year 2017 is not maintainable. However, learned counsel for the petitioner points out that the representation was sent vide Annexure-5 and Annexure-6 and as the petitioner was under the bona fide belief that the District Magistrate shall look into the grievance, he did not recourse to the remedy by filing the writ petition but when action was not taken for all these petitions, he was no option but to file the writ petition.

Keeping in view the nature of allegation made in the writ petition and the fact that there is nothing to show that respondent No. 8 is the current P.D.S dealer and for the current period also, irregularities are being committed, the petitioner only makes a grievance with regard to the period from March, 2015 to October, 2015, the matter is remitted back to the District Magistrate, Samastipur to look into the fact and cause an enquiry himself or by the person authorized by him to take action as may



be permissible under the law.

With the above, the application stands disposed
of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06/07/2017
Transmission Date	NA

