

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4231 of 2021

Shiv Nandan Yadav, S/o Late Tota Yadav, Resident of Village- Dhanjorba
Panchayat Hathiadanda, P.S. Belhar, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Sub- Divisional Officer, Banka.
4. The Block Marketing Officer, Belhar, Banka.
5. The Headman (Mukhia) Hathiadanda Gram Panchayat, Belhar, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For direction/order to the Sub-Divisional Officer, Banka to release the food grains (quota) of the petitioners PDS shop since the charges leveled against the petitioner has already dropped and final report has been submitted vide final report no. 192/2016 dated 25/08/2016 and the Court concern Chief Judicial Magistrate Banka has already accepted the same on 23/02/2019 in connection with Belhar P.S. Case No. 203/2014.
- (ii) For the other relief/reliefs as your Lordships may be deem fit and proper.



After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the petitioner's request dated 5.1.2020 (Annexure-4 Page No. 23) within a time bound period.

Learned counsel for the respondents states that the petitioner's request dated 5.1.2020 (Annexure-4 Page No. 23) shall be positively considered and decided expeditiously and preferably within a period of three months from the date of presentation of a copy of this order before the authority concerned.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall make himself available in the office of Respondent No. 3 namely the Sub-Divisional Officer, Banka on 10th of January, 2022 along with a copy of this order;

(b) The said respondent shall consider and dispose of the petitioner's request dated 5.1.2020



(Annexure-4 Page No. 23) expeditiously by a reasoned and speaking order preferably within a period of three months from the date of appearance of the petitioner before him along with a copy of this order;

(c) Needless to add, while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, the reasoned and speaking order passed by the appropriate authority shall be supplied to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to challenge the order before the appropriate forum, should the need so rise subsequently;

(h) We have not expressed any opinion on merits. All issues are left open;



The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

