

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5668 of 2021

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Kailash Kumar Choudhary Son of Late Jamuna Choudhary Resident of
Dwarikapuri, Road No. 04, Hanuman Nagar, Police Station - Patrakar Nagar,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna Bihar
3. The Senior Superintendent of Police, Patna
4. The Superintendent of Police, Patna
5. Sub-Divisional Officer, Sadar Patna
6. The Sub-Division Police Officer, Patna
7. The District Supply Officer, Patna
8. The Block Supply Officer, Patna District- Patna
9. The Station Head Officer, Patrakar Nagar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Advocate
For the Respondent/s : Mr. U.P. Singh, AC to SC-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Heard learned counsel for the parties.

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



i) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the order dated 30.04.2020 contained in Memo No. 357 issued by Sub-Divisional Officer, Patna, Sadar, Patna, whereby and where under the License of the PDS shop of the petitioner running at Ward No.-45, Dwarikapuri, Hanuman Nagar, bearing License No. 509 of 2016 has illegally and arbitrarily been suspended from immediate effect and directed to add the same with other PDS dealer namely Sri Anil Kumar Gaur having License No. 505 of 2016 in a very mechanical manner as well as without giving any opportunity of hearing to the petitioner.

ii) For issuance of writ in the nature of mandamus for directing and commanding the responsible respondent authorities to unseal the P.D. Shop of the petitioner having Licence No. 509 of 2016, which has illegally and arbitrarily been sealed/locked by the respondents.

iii) For issuance of writ in the nature of mandamus for directing the respondent authority to stay the operation of the impugned order dated 30.04.2020 issued by the Sub-Divisional Officer, Patna, Sadar, Patna.

iv) For issuance of any other order or orders which your Lordships may deem fit and proper in the facts and circumstances of the case.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under



instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

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

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;



(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant 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	23.12.2021
Transmission Date	

