

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5678 of 2021

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Vijay Kumar Yadav Son of Late Jagdish Prasad Yadav Resident of village-
Banthi, P.s.- Dhoraiya, district- Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar , Patna
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
3. The District Magistrate, Banka
4. The District Supply Officer, Banka
5. The Sub Divisional Officer, Banka, District- Banka
6. The Block Supply Officer, Dhoraiya, District- Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Nath Jha, Advocate Mr. Chandra Shekhar Sharma, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, AC to AAG-5

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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) To issue a writ in the nature of certiorari, setting aside order contained in Memo No. 11 dated 25.11.2019 issued under the signature of Sub-



Divisional Officer, Banka, where under and whereby P.D.S. dealership license No. 51 of 2012 of petitioner, has illegally been cancelled, without properly considering the show cause submitted by the petitioner.

- (ii) To issue a writ in the nature of mandamus commanding and directing the Respondents, to restore PDS dealership license of petitioner and allow him to lift the food grains etc. to be distributed amongst the beneficiaries of his PDS shop.
- (iii) And/Or any other relief or reliefs for which the petitioner is found entitled to, in the facts and circumstances of this case.

Learned counsel for the petitioner states that appeal assailing the order passed by the Sub Divisional Officer/competent authority stands preferred before the appropriate authority. Despite the time schedule prescribed under the statute, the same has yet not been decided. He further states that petitioner shall be content if a direction is issued to the appropriate authority to consider and decide the appeal expeditiously and preferably within the statutory period.

State cannot have any objection to the same.

As such, petition stands disposed of in the



following terms:-

(a) The Appellate Authority shall consider and decide the appeal being Appeal No. 606 of 2020, within a period of two months from the date of production of a copy of this order;

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

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

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

(e) The Appellate Authority shall pass a reasoned and speaking order, copy where be supplied to the parties;

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

(g) 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;

(h) We have not expressed any opinion on merits



and all issues are left open;

(i) Liberty reserved to the petitioner to assail the order, before the appropriate forum, should the need so arise subsequently.

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	

