

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5902 of 2020

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Antu Manjhi S/o Moali Manjhi resident of Village- Basari, P.S.- Bodh Gaya,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food Commerce and Civil Supplies, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub Divisional Officer, Sadar, Gaya.
5. The District Supply Officer, Gaya.
6. The Block Supply Officer, Bodh Gaya, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, 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 : 20-12-2021

Heard learned counsel for the parties.

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

- (i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing of the order as contained in memo No. 790 dated 15-11-2017 passed by the respondent No. 4 i.e. sub Divisional Officer, Sadar, Gaya (Hereinafter referred to as Licensing Authority



under the Bihar Targeted Public Distribution (Control) order 2016 whereby and where under he has dismissed the Fair Price shop License of the petitioner vide License No. 88/07 in terms of Clause 24 and 26 of the said (Control) Order, 2016 read with provision of National Food Security Act, 2013 and also violation of the provision of Prevention of Block Marketing and Maintenance of supplies of Essential commodities act, 1980.

- (ii) To direct the respondent No. 3 the District Magistrate, Gaya to expedite the hearing of Supply Appeal No. 16/2019 filed by the petitioner as expeditiously as possible in view of the order dated 15-03-2019 passed by this Hon'ble court in CWJC No. 15598 of 2018.
- (iii) To direct the respondent No. 4 to restore the license of the petitioner taking into the consideration that the petitioner has not been convicted.
- (iv) To direct the respondent No. 04 to Restore the license bearing No. 88/07 henceforth in view of the judgment rendered by this Hon'ble court in the case of "Janardan Ram V/s The State of Bihar and others.
- (v) To any other relief/s to which the petitioners are entitled in the facts and circumstances of the case.

Learned counsel for the petitioner states that petitioner's appeal is pending before the District Magistrate, Gaya and petitioner shall be content if a direction is issued for expeditious disposal of the same.

Learned counsel for the respondents states that



since the appeal is of the year 2019, the same shall be considered and decided within a period of three months from the date of appearance of the petitioner before the Appellate Authority along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall make himself available before Respondent No. 3 namely the District Magistrate, Gaya on 10th of January, 2022;

(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, within a period of three months from the date of appearance of the petitioner before the Appellate Authority;

(f) Copy of the order passed by the Appellate



Authority shall be supplied to the parties;

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

(h) 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;

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

(j) Liberty reserved to the petitioner to assail the order, 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	21.12.2021
Transmission Date	

