

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6363 of 2020

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Ramjee Bhuiyan, Son of Late Ganpat Bhuiyan, resident of Village-
Kormathu, P.S. and Anchal- Amas, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub Divisional Officer, Sherghati, Gaya.
5. The Addl. District Supply Officer, Gaya.
6. The Block Supply Officer, Amas, 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 (Aag15)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2021

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

“(i) To issue an appropriate orders, direction/s including a writ preferably in the nature of certiorari for quashing the order dated 21-04-18 passed in Supply Case No.2/18 passed by the learned Sub Divisional Officer, Sherghati, Gays respondent no.04 (hereinafter referred to as Licensing Authority under the Bihar Targeted Public Distribution System (Control) order 2016 whereby and where under he has cancelled the fair price shop license of the petitioner vide license NO.17/2016.

(ii) To quash the order dated 30-11-19 passed by the learned District Magistrate, Gaya (respondent no.3) in supply No.23/18 whereby and where under he has dismissed the supply

Appeal No.23/18 filed by the petitioner under Clause 22 of the Bihar Targeted P.D.S. (Control) Order, 2016 against the order dated 21-04-18 passed in Supply Case No.2/18 by the S.D.O. Sherghati, Gaya.

(iii) To direct the respondent no.4, the S.D.O. Sherghati Gaya to restore the fair price shop license henceforth.

(iv) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

Petitioner seeks permission to withdrawn this application reserving liberty to take recourse to alternative remedy which are equally efficacious, as stipulated under the provisions of Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present application is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner’s application/request expeditiously and preferably within a period of six months from the date of its presentation.

While considering such representation, the period for which the petitioner has been pursuing the present petition shall not be counted for the purposes of limitation.

Needless to say that while considering such request,

principles of natural justice shall be followed and due opportunity of hearing be afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2021
Transmission Date	NA