

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4119 of 2021

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Vimal Kumar Ray S/o Late Harihar Ray, Resident of Village-Harpur Bakhari,
Mirzapur, P.S.Ahiyapur District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department Government of Bihar, Patna.
2. The District Magistrate Muzaffarpur
3. The Sub-Divisional Officer, East Muzaffarpur.
4. The Block Supply Officer, Mushari, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sri Niwas Jha, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-12-2021 Petitioner has prayed for the following relief(s):

“To quash the order under memo no,
1567 dated 21.5.2020 (Annexure-2) and a writ of
mandamus directing the respondents to restore the
PDS Shop to the petitioner and from due date and
cost of this proceedings.”

Learned counsel for the petitioner states that
petitioner has already preferred appeal No. 30/2020 before the
Collector and District Magistrate, Muzaffarpur on 17.6.2020
which is pending.

Learned counsel for the respondents states that the



said appeal shall be heard and decided in accordance with law within a period of three months from today.

In view of the statement of the learned counsel for the respondents, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to Respondent No. 2, namely The District Magistrate, Muzaffarpur to consider and decide the said appeal, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Parties are directed to appear before the appellate authority on 20.01.2022 at 10:30 a.m.

Needless to say that while considering such appeal, principles of natural justice shall be followed and due opportunity of hearing 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), should the need so arise subsequently.

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



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.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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