

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8550 of 2020

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Samshul Haque Md. Rafique, Resident of Narhan, Police Station Bibhutipur,
District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Collector/Magistrate, Samastipur.
3. The Sub Divisional Magistrate, Rosera.
4. The Block Supply Officer, Bibhutipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Miritunjay Kumar, Advocate
For the Respondent/s : Mr. Deo Kumar Pandey, AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 08-04-2021

Heard learned counsel for the petitioner and learned counsel for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition -

“ (i) To issue Rule in the nature of certiorari to quash the order dated 19.12.2017, Memo No. 365 whereby and whereunder the PDS Licence of the petitioner bearing registration no. 88 of 2016 has been cancelled by the Licensing Authority, Respondent no. 3, Sub Divisional Magistrate, Rosera;



(ii) To issue Rule in the nature of mandamus commanding the respondent no. 2 District Collector, Samastipur (Appellate Authority) and directed to dispose of the PDS Appeal Case No. 04 of 2018 filed by the petitioner and is still pending for final consideration;

(iii) To issue Rule in the nature of mandamus commanding the respondents to restrain himself in interfering with the licence of the petitioner;

(iv) To restore the PDS licence of the petitioner bearing Registration No. 88 of 2016 and order to resumption of supply for which the petitioner is entitled;

(v) To grant any other relief/reliefs for which the petitioner may found entitled."

3. At the outset learned counsel for the petitioner confines his prayer only for disposal of his PDS Appeal Case No. 04 of 2018 filed before the District Magistrate, Samastipur, which is still pending.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of prayer of the petitioner, the writ petition is disposed of with a direction to the District Magistrate, Samastipur (respondent no. 2) to consider and dispose of the petitioner's PDS Appeal Case No. 04 of 2018, if still pending, on its own merits and in accordance with law after grant of an opportunity of hearing to the petitioner, expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this judgment.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1



hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	09.04.2021
Transmission Date	-

