

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1564 of 2021

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Gangiya Devi, W/o Anup Mochi, Resident of Village- Pakahi, Jhajhara, P.s.
and Block- Kusheshwarsthan, Dist.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Patna
2. The Collector, Darbhanga
3. The Licensing Officer-cum-Sub Divisional Officer, Biraul, Darbhanga
4. District Supply Officer, Darbhanga
5. The Block Supply Officer, Kusheshwarsthan, Biraul, Darbhanga
6. The Sub Divisional Public Grievance Redressal Officer, Biraul, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate

For the Respondent/s : Mr. S. Raza Ahmad, 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 : 06-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



i. For issuance of an appropriate writ(s)/ Rule(s)/Direction(s) in the nature of mandamus commanding the concerned respondent, for quashing the order dated 25.08.2020, contained in Memo No. 179 dated 25.08.2020, issued by Licensing Officer-cum-Sub Divisional Officer, Biraul, Darbhanga, by which the License no. 07/2018 of the Petitioner's Public Distribution System Shop (PDS Shop), situated under Gram Panchayat Raj Pakahi, Jhajhara, Kusheshwarsthan, Biraul, Darbhanga, has been cancelled, without considering the petitioner's reply dated

21.08.2020 to the show cause issued by the Sub-Divisional Officer, Biraul, vide Memo no.177 dated 19.08.2020.

- ii. For restoration of Petitioner's License No.07/2018 of his PDS Shop, with all facilities, available to the PDS Shop.
- iii. For grant of all other relief(s) to which the petitioner may found entitled, under the relevant provision.

Learned counsel for the petitioner states that the petitioner be permitted to prefer an appeal in accordance with law.

Liberty granted.

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

- a) the petitioner shall prefer an appeal within a period of four weeks from today which shall be considered and decided



on merits in accordance with law and positively within the statutory period of 60 days, failing which it shall be open for the petitioner to approach the Court for the same and subsequent cause of action;

b) the authority concerned shall pass a reasoned order dealing with each one of the submissions made by the appellant and copy whereof shall be supplied to the petitioner;

c) we clarify that we have not expressed any opinion on facts and law. All issues are left open; and

d) learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

Ashwini/Sujit

(S. Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2021
Transmission Date	

