

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1364 of 2021

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Vijay Lakshmi Kumari, Wife of Ajay Kumar Sahu, Resident of Village-
Mirchak, P.O. Bajidpur, Police Station Manigachhi, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Darbhanga.
3. The Senior Deputy Collector, District Law Department, Darbhanga.
4. The Sub-Divisional Officer, Sadar, Darbhanga.
5. The Circle Officer, Manigachhi Cum Incharge, Block Supply Officer,
Manigachhi, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha, Advocate
For the Respondent/s : Mr.Arvind Ujjwal, SC-4
Mr. Upendra Pratap Singh, AC to SC-4.

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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.

Petitioner has prayed for the following relief(s).

“ 1. That this writ application the petitioner invokes for issuance of appropriate writ/writs, order/orders, direction/directions for granting the following reliefs in favour of petitioner:-
i) For directing the respondent authority, specially the respondent no.2 to permit the petitioner to distribute the food gram of 49 Quintals and 50 Kg. which has been kept and destroying/rotting in the stock godown of the petitioner after sealed by the respondent no.5 on 20.12.2019 on the ground of an allegation of black marketing

by the petitioner bearing P.D.S. Dealier is false. baseless and has no truth even from the contents of the F.I.R.

ii) For directing the respondent authorities to allow the petitioner to function her P.D.S Shop bearing license no. 15 of 2016 on the ground that the petitioner is not indulged in any type of black marketing because when the respondent no.5 conducted a raid. 49 Quintals 50 Kg. food grain were already available in the stock/godown instead of 48 Quintals 50 Kg of food grain thereby one Quintal food grain was much available in the stock/godown as per the register then where is the question of black marketing by the petitioner.

iii) For directing the respondent authority to consider the case of the petitioner on the ground that when stock was matched by the respondent no.5, one quintal food grain was much available in the stock/godown as per register therefore a false F.I.R. was registered by the respondent no.5 against the petitioner because it is crystal clear from the contents of the F.I.R. itself that no black marketing has been done by the petitioner.

iv) For all consequential relief/reliefs For which the petitioner is found entitled in course of hearing of this writ application.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation, which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such

a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing 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 approach Respondent No. 2, namely, The District Magistrate, Darbhanga, within a period of four weeks from today by filing a representation application for redressal of the grievance(s);

(b) The said authority shall consider and dispose it of expeditiously by passing a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

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

(d) 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;

(e) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(f) We have not expressed any opinion on merits.

All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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