

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2760 of 2021

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Dharmendra Kumar Singh, S/o Bishwanath Singh, Resident of Village-Bhalul Rasul, Panchayat-Bishunpur Patti, Block and P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Sub-Divisional Magistrate, West, Muzaffarpur, P.S.-Town, District-Muzaffarpur.
3. The Block Supply Officer, Sahebganj, P.S.-Sahebganj, Distt.-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi
For the Respondent/s : Mr.U.P. 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 : 14-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That this is an application for issuance of a writ in the nature of Certiorari for quashing the order vide memo no. 1353 dated 05.10.2020 issued under the signature of respondent no. 2 Sub Divisional Magistrate, West, Muzaffarpur whereby and whereunder the allotment of the petitioner has been cancelled without supply of enquiry report and without consideration of reply of show cause it violates the principle of natural justice.

It is further prayed that from perusal of the impugned order 3rd paragraph speaks about other facts/issue for that no show cause asked to this petitioner because the said impugned order has

passed behind the back of the petitioner. The said cancellation order is based on such enquiry report as well as with regard to 3rd paragraph no show cause is asked both either enquiry report is not provided or no show cause is asked about the 3rd paragraph of the impugned order, it violates the principles of natural justice. The PDS licence of the petitioner is 23010042/016 but in the impugned order last paragraph the PDS Licence no. 23010065/08 is mentioned and cancelled, it creates contradict each other.”

Before us, it is not in dispute that petitioner has got an equally alternate efficacious remedy of appeal/revision as provided under the provision of the standing order.

In this view of the matter, learned counsel states that petitioner shall be content, if petitioner is permitted to prefer an appeal/revision with a direction for the same to be disposed of expeditiously.

As such, as prayed for, present petition is disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of two weeks from today;

(b) The appropriate appellate authority shall consider and decide the same on merits expeditiously and by assigning reasons, within a period of two months thereafter;

(c) All questions of fact are left open to be

considered and decided by the appellate authority;

The instant petition sands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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