

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2629 of 2021

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Ram Naresh Rai, Son of Late Raj Manjal Rai, resident of Village - Kolso
Motmaje, Police Station- Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Department of Food and Consumer Protection.
2. The Principle Secretary Department of Food and Consumer Protection.
Address Not Available.
3. District Magistrate Sheohar.
4. Sub divisional Magistrate Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 07-12-2021

Heard learned counsel for the parties.

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

“That this application for issuance of writ
in the nature the of mandamus for any other
appropriate writ, order, direction to the respondent
authorities to allot of fair price shop under public
distribution system and further to supply the food
grains to the fair price shop in view of the order of

direction dated 18.12.2018 passed by the district magistrate in consumer appeal case no .113/2017 and /or further petitioner prays or issuance of such other order of direction for which he may be found legally entitled to in the facts and circumstances of the case as stated hereinafter.”

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 i.e. respondent no. 4 namely, Sub divisional Magistrate Sheohar, to consider and decide the representation which the petitioner shall be filing within a period of eight weeks 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 the authority concerned i.e. Sub divisional Magistrate Sheohar, within a period of eight

weeks from today by filing a representation for redressal of the grievance(s);

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

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

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

(e) 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;

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

(g) We have not expressed any opinion on merits of the matter. 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2021
Transmission Date	NA