

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2794 of 2021

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Kanhaiya Prasad son of Late Gaya Prasad, Resident of Village- Lalgargh,
Block- Chanpatia, Police Station- Bettiah Muffasil, District- West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, West Champaran, Bettiah.
4. The Sub-Divisional Officer, West Champaran, Bettiah.
5. The Assistant District Supply Officer, West Champaran, Bettiah.
6. The Block Supply Officer, Chanpatia, District- West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj 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 THE CHIEF JUSTICE)

Date : 14-12-2021

Heard learned counsel for the parties.

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

“(I). For issuance of writ in the nature of certiorari quashing the order contained in Memo No. 71/ dated 12/02/2014, whereby and whereunder the Sub-divisional Officer, West Champaran, Bettiah, has canceled the license of the fair price shop of the petitioner as well as the Appellate Order dated 02/09/2019 passed by the District Magistrate, West Champaran, Bettiah in Case No. C.R.M. 186/2018-19 dismissing the appeal preferred by the petitioner against the

said order dated 12/02/2014.(Annexure-4 &6 respectively).

II. For directing the licensing authority to restore the PDS licence No. 66/2007 in name of the petitioner and further be issued his unite continuing allotment to the said fair price shop for distribution among the respective consumers.”

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 by assigning reasons within two months thereafter, copy whereof shall be supplied to the petitioner.

(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