

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1112 of 2022

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1. Ramnath Prasad, Son of Late Dhanpat Ram, Bus Stand Road, Ward No.08, Post-Forbisganj, Police Station-Forbisganj, District-Araria-854318.
 2. Vishwanath Prasad, Son of Late Dhanpat Ram Resident of Ward No.14 Bara Shivalay Road near Station Chowk Post and P.s.-Forbisganj, District-Araria-854318.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Agriculture, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna.
4. The Special Secretary-Cum-Director, the Bihar Agricultural Produce Marketing Board, Patna.
5. The Commissioner, Purnea Division, Purnea.
6. The Collector, Araria.
7. The Sub-Divisional Officer, Forbisganj - Cum-Special officer, Agricultural Produce Market Samiti (Dissolved), Forbisganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Pandey, Advocate
For the Respondent/s : Mr.Anant Prasad Singh, SC-15

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 07-03-2022



Heard learned counsel for the parties.

The petitioners have prayed for the following relief/s :-

That this is an application for issuance of an appropriate writ, order or direction commanding the respondents restraining them for not blocking ingress to and egress from the allotted shops to these petitioners carrying wholesale business of Green Vegetables under the Compound of Bazar Samiti, Forbisganj with direction to maintain the earlier Order under letter no.3 dated 12.01.2015 issued by Sub-Divisional Officer-cum-Special Officer, Agricultural Produce Market Samiti (Dissolved), Forbisganj and also for immediate stay of ongoing wall construction resulting in complete blockage of frontal faces of the allotted shops of these petitioners in southern side of the frontal face of allotted shop no.36+36A, 37+37A and 38+38A of these Petitioners.

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioners, learned counsel for the petitioners, under instructions, states that petitioners will be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioners



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 petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four 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 on the following terms:-

(a) Petitioners will approach respondent No.7, namely, the Sub-Divisional Officer, Forbidding-cum-Special Officer, Agricultural Produce Market Samiti (Dissolved), Forbisganj, within a period of four 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 four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioners;



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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) We are hopeful that as and when petitioners take 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;

(h) Liberty reserved to the petitioners to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) 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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	11.03.2022
Transmission Date	

