

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6818 of 2021

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Raj Kishore Yadav S/o Shambhu Nath Yadav resident of Village - Srimatpur,
P.S. - Pirpainti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector cum District Magistrate, Bhagalpur.
3. The District Supply Officer, Bhagalpur.
4. The Sub-Divisional Officer, Kahalgaon, District- Bhagalpur.
5. The Block Supply Officer, Pirpainti, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate
For the Respondent/s : Mr. S.Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-01-2022

Heard learned counsel for the parties.

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

1. That this is an application for issuance of an appropriate writ order or direction quashing the order dated 03.03.2020 issued by the S.D.O., Kahalgaon whereby the Public Distribution System Licence bearing Licence No. 10/2016 has been suspended on account of institution of F.I.R. under Section 7 of the E.C. Act and also quashed the



proceeding initiated for cancellation of licence in as much as the continuation of suspension as well as proceeding for more than six months is bad in law.

Further direct the respondents to restore the supply of articles in terms of Bihar Targetted Public Distribution System Control Order 2016.

And for any other relief (s) for which the petitioner is found to be entitled in the facts and circumstances of the case.

Learned counsel for the petitioner states that the appropriate authority has not taken any final decision with regard to the suspension or cancellation of the licence issued in favour of the petitioner. He further states that petitioner shall be content if a direction is issued to the respondent authority i.e. Respondent No. 4 namely the Sub-Divisional Officer, Kahalgaon, District -Bhagalpur to positively take a decision expeditiously and at the earliest.

Learned counsel for the respondents states that if the petitioner were to fully cooperate, the respondent authority i.e. Respondent No. 4 namely the Sub-Divisional Officer, Kahalgaon, District -Bhagalpur shall take a decision within a period of three months from the date of placing on record copy of the order.

Statement accepted and taken on record.



As such, petition stands disposed of in the following terms:-

(a) Petitioner shall make himself available in the office of Respondent No. 4 namely the Sub-Divisional Officer, Kahalgaon, District -Bhagalpur on 17th of January, 2022 along with a copy of this order;

(b) The said respondent shall consider and dispose of the petitioner's case expeditiously by a reasoned and speaking order preferably within a period of three months from the date of appearance of the petitioner before him along with a copy of this order;

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

(d) Also, the reasoned and speaking order passed by the appropriate authority shall be supplied to the parties;

(e) Petitioner shall fully cooperate in the proceedings;

(f) Needless to add, all documents relied upon by the respondents, including the Inquiry Report, shall be supplied to the petitioner within a period of two weeks from the date of presentation of a copy of this order;



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

(h) 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;

(i) Liberty reserved to the petitioner to challenge the order before the appropriate forum, should the need so arise subsequently;

(h) 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)

Amrendra/KC Jha

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2022
Transmission Date	

