

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7083 of 2021

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Sunil Kumar Choudhari @ Sunil Kumar Choudhary, Son of Jageshwar Lal Choudhary, Resident of -Pokharia, PS Balia District-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department Bihar at Patna.
2. The District Magistrate Cum Collector, Begusarai, District-Begusarai.
3. Sub-Divisional Officer, Balia, P.S. Ballia, Begusarai, District Begusarai
4. Marketing Officer, Balia P.S. Ballia, District-Begusarai
5. The Officer in Charge, Balia P.S. Ballia, District-Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Alok Kumar, AC to 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.

The petitioner has prayed for the following relief/s :-

“I. for setting aside the order dated 2.1.2021 bearing memo No.111 issued by the Sub Divisional Officer, Balia, respondent no.3 by which the PDS license of the petitioner bearing PDS license No. BAL-R-12/6 suspended with immediate effect as there is a FIR registered bearing Balia PS Case No. 13 of 2021 dated 9.1.2021; on the ground that the license which has been suspended is illegal as no provision of Essential Commodities Act is applicable against the



petitioner and the same has been admitted by the marketing officer in different proceeding and thus the suspension is illegal.”

II. That the present writ application is being filed in the nature of Mandamus for restoring the PDS license of the petitioner bearing PDS license No. BAL-R-12/16 with immediate effect;

III. Any for any other relief/reliefs for which the petitioner is entitled for.”

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 to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of 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 concerned authority within a period of four weeks from today by filing a



representation for redressal of grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three 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. All issues are left open;

(h) We expect that the appropriate authority shall consider and decide the petitioner's application/request



expeditiously and preferably within a period of three months from the date of the its presentation.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

