

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5897 of 2020

=====

Unita Devi wife of Sri Gautam Kumar resident of Village- Kaji Bigha, P.O.-
Nenauri, P.S.- Gaurichak, Block- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Additional District Supply Officer, Patna City, Patna.
5. The Sub- Divisional Officer cum Licensing Authority, Patna City, Patna.
6. The Block Supply Officer, Fatuha, Patna.
7. Anju Kumari wife of Sri Sanjiv Kumar resident of Village- Bhergawan Chak, P.O. and Panchayat- Jaitiya, P.S.- Gaurichak, Block- Fatuha, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Respondent/s : Mr.S.Raja Ahmad, AAG-5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 24-01-2022

Petitioner has prayed for the following relief(s):

“For the issuance of appropriate writ/writs, order/orders, for setting aside the decision of the “District Level Selection Committee for issuance of P.D.S. License” dated 30.07.2019, presided over by the District Magistrate, Patna, contained in memo



no.1183 dated 03.08.19, whereby the respondent no.7 has been illegally selected for issuance of license and allotment of P.D.S. Shop at roaster point no.657 (unreserved) in village Bhergawan, under Jaitia Panchayat of Fatuha Block, Patna City in Patna District. The petitioner prays for issuance of P.D.S. license to her for the said place.”

After the matter was heard for some time, finding the Court not agreeable with the submissions made across the Bar, learned counsel for the petitioner, under instruction, submits that petitioner shall be content if a direction is issued to the Divisional Commissioner, Patna to consider and decide the Appeal to be filed by the petitioner within a period of four weeks along with a copy of this order, within a period of six months from the date of its filing.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take



recourse to such alternative remedies as are otherwise available
in accordance with law.

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.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	28.01.2022
Transmission Date	

