

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7319 of 2021

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Asha Bharti W/o Brajesh Kumar Bharti R/o Gram Panchayat- Mohanchak
(Islampur) Village- Rasalpur, P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Govt. of Bihar.
2. The District Magistrate, Nalanda at Biharsharief.
3. The Sub Divisional Officer, Hilsa, Nalanda.
4. The Supply Inspector, Islampur, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr.Lalit Kishore, AG

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

(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.)

2 04-01-2022 Petitioner has prayed for the following relief(s):

“For issuance of writ in the nature of certiorari quashing the order dated 28.08.2006 vide memo no. 1111/aa. passed by the Sub Divisional Magistrate, Hilsa whereby and where under the Sub Divisional Officer, Hilsa without proper investigation/enquiry and without through the show cause filed on behalf of the petitioner cancelled the license np. 14/96 of the petitioner issue under Public Distribution System for Panchayat Mohanchak Islampur Nalanda which is erroneous, perverse and unsustainable in the eye of law, thus fit to be aside.

And further command be issued directing the respondent to restore the petitioner's license of P.D.S. Shop in light of acquittal of petitioner vide



judgment dated 30.07.2019 in subsequent loading of F.I.R. by supply inspector for same occurrence/allegation under section 7 E.C. Act, having P.S. Case No. 03/2006 dated 10.01.2006 and GR NO. 50/2006 by SDJM, Hilsa, Nalanda.”

Learned counsel for the petitioner states that petitioner’s appeal is pending consideration since 2006 and despite acquittal in criminal case (Annexure-4) dealing with similar subject-matter, the authorities have not taken any action with regard to grant of distributorship in favour of the petitioner. Also the appellate authority has not concluded the appeal.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if the petition is disposed of with a direction to the appellate authority to decide the appeal pending since 2006 within a time frame.

Without expressing any opinion on merits of the claim, petition is disposed of with the direction to the appellate authority to decide the appeal expeditiously, preferably within a period of two months from the date of presentation of a copy of this order.

All issues on facts and law are left open.

Needless to say that while considering such appeal, 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)

DKS/KC Jha

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