

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8755 of 2021

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Yogendra Prasad S/o Karu Yadav Resident of Village- Sandohara
Bhadrakhara, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Consumer and Protection Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Sub-Divisional Officer, Nawada.
4. The District Cooperative Officer, Nawada.
5. The Parama Primary Agriculture Society Ltd. Sandohara, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, 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.)

3 19-01-2022 Petitioner has prayed for the following relief(s):

“That this writ application is being filed in the nature of certiorari for quashing the order dated 8.1.2020 passed by S.D.O. Nawada fully contained in Memo No.22 by which he was please to accept the wrong recommendation of the D.C.O. Nawada and allow to operate the PDS License and further be please to direct the B.S.O. Nardiganj to start allotment of foodgrains and K.oil in favour of newly elected President of the Parama PACS, ignoring the facts the license was granted to the petitioner in the individual capacity.



And/or

Issue direction to the Respondent no.2 to disposal the representation dated 2.3.2020 filed before him by the petitioner in terms of order dated 18.2.2020 passed in CWJC No.1440/2020.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, submits that petitioner shall be content if a direction is issued to Respondent No.4, namely The District Co-operative Officer, Nawada, to consider and decide the fresh representation to be filed within a period of four weeks, within a period of three months from the date of its presentation.

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

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