

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11583 of 2021

Vishnudeo Yadav, Son of Late Srichand Yadav, Resident of Village- Gospur,
Panchayat- Hareba, P.S. and Block- Salakhua, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
3. The Director, Public Distribution System, Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Level Selection Committee, Saharsa through the Senior Deputy
Collector cum District Supply Officer, Saharsa.
6. The District Supply Officer, Saharsa.
7. The Sub Divisional Officer, Simri Bakhtiyarpur, Saharsa.
8. The Block Development Officer, Salakhua, Saharsa.
9. The Block Supply Officer, Salakhua, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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 : 07-01-2022

Heard learned counsel for the parties.



The petitioner has prayed for the following relief/s :-
“for a direction upon the respondents to grant PDS shop license to the petitioner on compassionate ground taking into account the death of father of petitioner who was a fair price shop licensee since 1985 after setting aside the decision contained in Memo No.731 dated 31.08.20 where under and whereby application of petitioner for grant of PDS Shop license on compassionate ground has been rejected on the pretext that father of the petitioner Srichand Yadav died at the age of more than 58 years. And/or pass such other order/orders as your lordships may deem fit and proper.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that he may be permitted to initiate appropriate action in accordance with law including taking recourse of equally alternative efficacious remedy provided under the law.

Learned counsel for the State states that if such action is initiated within a period of four weeks from today, the issue of limitation shall not come in the way of the authority concerned, who shall consider and decide the same expeditiously and preferably within a period of three months.

Statement accepted and taken on record.

As such, petition stands disposed of in the following



terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today for redressal of the grievance(s);

(b) The authority concerned shall consider and decide the issue expeditiously by a reasoned and speaking order preferably within a period of three months from the date of taking steps along with a copy of this order;

(c) Needless to add, while considering such issue, 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) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	12.01.2022
Transmission Date	

