

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11612 of 2021

Vindeshwar Baitha Son of Late Vandhari Baitha Resident of village - Shivdaspur, P.S. - Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through District Magistrate, Muzaffarpur.
2. The Sub-Divisional officer, The Sub-Divisional officer, East Muzaffarpur.
3. The Block Supply officer, Katra, Muzaffarpur.
4. The Child development Program officer, Katra, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Respondent/s : Mr. S. Raza 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 : 04-01-2022

heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That this is an application for issuance of a writ in the nature of mandamus commanding and directing the respondent no.- 1 to dispose of the Appeal case no.- 34 PDS/ 2020-21 filed by the petitioner, without further delay and as per direction given by this Hon'ble high court, as the respondent no.- 1 is not disposing the appeal filed by the petitioner which has filed on 29/06/2020 and



still the same is pending before respondent no.-1 without any reason from more than 9 months and also for issuance of writ in the nature of certiorari and or an appropriate writ for quashing the order dated 01/06/2020 passed by S.D.O., East, Muzaffarpur vide his memo no.- 1873 (Annex-3) by which the license of the petitioner's PDS shop has been cancelled, without applying his judicial mind as well as without considering on the reply of the show cause notice and without making proper inspection of the petitioner's PDS shop as well as list of customer of the petitioner's shop and /or pass any order/ orders , direction / s for which the petitioner is found legally entitled .

Learned counsel for the petitioner states that petitioner's appeal is pending before the Appellate Authority and petitioner shall be content if a direction is issued for expeditious disposal of the same.

Learned counsel for the respondents states that since the appeal is of the year 2020 the same shall be considered and decided within a period of three months from the date of appearance of the petitioner before the Appellate Authority 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 make himself available before the Appellate Authority on 17th of January, 2022;



(b) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of three months from the date of appearance of the petitioner before the Appellate Authority;

(g) Copy of the order passed by the Appellate Authority shall be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(h) 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;

(i) We have not expressed any opinion on merits



and all issues are left open;

(j) Liberty reserved to the petitioner to assail the order, before the appropriate forum, should the need so arise subsequently.

The instant petition sands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/KC Jha

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2022
Transmission Date	

