

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11715 of 2021

Nabab Hussain, Son of Md. Sulaiman, Resident of Ward no. 9, at, P.O. and P.S.- Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Food and Civil Supply Department, Government of Bihar, Patna.
3. The District Magistrate Rohtas, Sasaram.
4. The District Supply Officer Rohtas, Sasaram.
5. The Sub Divisional Officer Bikramganj, Rohtas.
6. The Block Supply Officer Nasriganj, Rohtas.
7. Md. Jahid Hussain Son of Md. Rafi Resident of Ward no. 3 at P.O. and P.S.- Nasriganj, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC to AG

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.

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

“(i) That the memo no. 138 dated



30.01.2021 with regard to serial no. 95 contained in annexure-7 may be quashed.

(ii) That the respondents may be directed to issue in favour of petitioner for PDS shop in ward no.3 of Nasriganj Nagar Parishad in Rohtas District

(iii) That any other relief or reliefs may be allowed which will be just, proper and equitable on the opinion of this Hon'ble Court.”

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;



(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) 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 six months from the date of filing of the appeal;

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

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

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant 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	10.01.2022
Transmission Date	

