

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11725 of 2021

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Pramod Kumar Gupta Son of Late Mangan Sah Resident of Village- Phango,
Panchayat- Buchcha, Police Station- Mansi, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna
3. The Commissioner, Munger Division, Munger
4. The District Magistrate, Khagaria
5. The Sub Divisional Officer, District- Khagaria
6. The Assistant District Supply Officer, Khagaria
7. The Block Supply Officer, Chautham, District- Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, 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 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 : 10-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ I) For issuance of writ in the nature of certirari quashing the order contained in Memo No. 157/Anu. Aapurti, dated 04.05.2020, whereby and whereunder the Sub-Divisional Officer, Khagaria suspended



the license of the fair price shop of the petitioner with immediate effect (Annexure-2).

II) For issuance of writ in the nature of certiorari quashing the order contained in Memo No. 197/Anu. Aapurti, dated 18.05.2020, whereby and whereunder the Sub-Divisional Officer, Khagaria tagged the allotment and consumers of petitioner's shop to one Sh. Bipin Kumar dealer of fair price shop having License No. 06C/2019 (Annexure-3)

III) For directing the licensing authority to restore the P.D.S. license No. 58 C/2007 in name of the petitioner further be issued his unite continuing allotment to the said fair price shop for distribution among the respective consumers.

IV) For any other relief/reliefs for which the petitioner is entitled for."

After the matter was heard for some time, learned counsel for the petitioner, under instruction, submits that petitioner shall be content if the petition is disposed of, reserving liberty to the petitioner to approach Respondent No. 5, namely the Sub-Divisional Officer, Khagaria within a period of four weeks along with a copy of this order, with a direction to the said officer to consider and decide the petitioner's application within a period of six months from the date of its filing.

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/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	13.01.2022
Transmission Date	

