

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11762 of 2021

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Sulochana Kumari, Wife of Sri Rakesh Kumar, resident of Village - Chankap,
Police Station- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Aurangabad.
5. The District Supply Officer, Aurangabad.
6. The Sub-Divisional Officer, Aurangabad.
7. The Sub-Divisional Officer, Daudnagar, District - Aurangabad.
8. The District Co-Operative Officer, Aurangabad.
9. The District Welfare Officer, Aurangabad.
10. The Executive Engineer, Public Health Engineering Department, Aurangabad.
11. The Deputy Development Commissioner, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 10-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ i. For setting aside the order dated 06.05.2021
contained in memo no. 02 passed by the Sub-
Divisional Officer, Aurangabad in Supply

Misc. Case No. 1 of 2021 whereby he has rejected the claim of the petitioner for issuance of licence under the provisions of Bihar Targeted Public Distribution System (Control) order, 2016 hereinafter referred to as Control Order, for short.

ii. For direction to the respondent no. 6 to issue licence of PDS Shop to the petitioner for village Chankap, Panchayat Suhi within the district of Aurangabad without further delay in compliance of the order dated 25.03.2021 passed by this Hon'ble Court in C.W.J.C. No. 21657 of 2019.

iii. For grant of any other relief or reliefs for which petitioner is entitled in the fact and circumstances of the case.”

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 eight weeks 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	