

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12964 of 2021

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Abhimanyu Kumar Son of Shivdani Prasad Resident of Village- Utal Parma,
P.O.- Parma, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate, Nawada.
3. The District Food Supply Officer, Nawada.
4. The District Programme Officer, Nawada.
5. The Sub Divisional Officer, Nawada Sadar, District- Nawada.
6. The District Supply Officer, Nawada.
7. The Marketing Officer, Nardiganj (Nawada).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate
For the Respondent/s : Mr.Arvind Ujjwal, SC-4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

2 07-01-2022 Petitioner has prayed for the following relief(s):

(I) For issuance of writ in nature of mandamus for direction to respondents authorities for setting aside the order dated 03.02.2021 passed in Record No. 3/ 2021 by S.D.O., Nawada, whereby License No. 3/2007 of petitioner serving the people uncomplained since more than 13 years. The authorities have cancelled the P.D.S. shop under the scheme of Primary Agriculture Co-operative



Society, Parma.

(II) For further direction to respondents authorities to disposed of the Appeal No /2021 which was pending before the District Magistrate, Nawada.

(III) And any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, submits that petitioner shall be content if a direction is issued to the concerned authority to consider and decide the Appeal already filed by the petitioner within a period of six months from the date of its filing.

Without expressing any opinion on merits and leaving all issues on facts and law open, the petition is disposed in the following terms:

(a) The petitioner shall make himself available before the Appellate Authority on 28.01.2022, along with a copy of this order;

(b) On the said date, the date of hearing shall be fixed by the concerned authority;

(c) Petitioner shall fully cooperate and not take any unnecessary adjournment;

(d) The officer shall adjudicate the issue and pass a



speaking order assigning reasons, within a period of six months thereafter;

(e) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

Needless to say that while considering such appeal, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

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.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

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