

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13137 of 2021

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Anuj Kumar Singh Son of Virdev Singh, resident of Village-Vishwambharpur,
Post Office-Kudarbhadha, P.S.-Garkha, District-Saran at Chapra, Pin Code-
841202.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Saran at Chapra.
3. The Food Supply Officer, Saran at Chapra.
4. The Sub-Divisional Officer, Chapra Sadar, Saran at Chapra.
5. The Block Development Officer, Garkha, Saran at Chapra.
6. The Block Supply Officer, Garkha, Saran.
7. Mahamaya Prasad Singh, Son of Sheo Kumar Singh, resident of Village-Ismailpur, Gadhwal Tola, Post Office-Kudarbhadha, P.S.-Garkha, District-Saran at Chapra-841202.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, 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 13-01-2022

Petitioner has prayed for the following relief(s):

- (i)“For issuance of appropriate writ(s), order(s), direction (s) to respondent authorities to take appropriate action against respondent no. 7 in view of the issues raised by the petitioner in his



representation dated 16.01.2019 and others which is based on Rule-10 of the Bihar Targeted P.D.S. (Control) order, 2016 wherein stated that in case of death of a fair price shop's licensee under the age of 58 (fifty eight) years, his shop may be allotted in order of priority of his/her wife/husband, son, unmarried daughter, daughter-in-law and widow of his son.

- (ii) And further for directing the respondent authorities to made inquiry relates to allotment of fair price shop to the respondent no.7 in collusion with concerning authorities which is based on malapracting committed by them relating to actual age of the deceased licensee which is above than 58 years at the death of him.
- (iii) And further for directing the respondents to take penal action against the respondent no.7 and whose, who committed frodge and fabrication relates to age of the deceased licensee which has already been apparent from Voter list of Panchayat Election, 2011 and general Assembly Election 2014 whereon age of the deceased licensee were 75 and 79 respectively.
- (iv) And further for directing the respondent no.2 to save the petitioner and his family member from respondent no.7 and his aids who always threatened to dire consequence and malice action against him.
- (v) And also for issuance of any other writ(s), order(s), direction(s) to which the petitioner, which may deem just, proper and necessary in view of the facts and circumstances discussed hereunder.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if the present petition is disposed of



with a direction issued to Respondent No. 2, namely The Collector-cum-District Magistrate, Saran at Chapra to consider and decide the fresh representation to be filed within four weeks along with a copy of this order, within a period of three months from the date of its presentation.

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

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