

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13176 of 2021

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1. Mohammad Sajid Son of Mohammad Sadique Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.
 2. Mohammad Rezaullah Son of Mohammad Sarful Hasan Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.
 3. Jahangir Alam Son of Abdul Hakim Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.
 4. Chandar Mehtar @ Chandeshwar Mehtar Son of Yogeshwar Mehtar Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.
 5. Mohammad Mustafa Son of Mohammad Shaukat Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.
 6. Abubakar @ Abubakar Ali Son of Saimun Nisha Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.
 7. Md. Ashraf Ali Son of Md. Sadrul Hasan Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.
 8. Md. Sadir Son of Abdul Razak Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Consumer and Food Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Pupri, Sitamarhi.
4. The Block Supply Officer, Bajpatti, Sitamarhi.
5. Nathuni Mehtar Son of Yogeshwar Mehtar Resident of Village Hasanpur, Badaharava, P.S. Bajpatti, Distt- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Advocate
For the Respondent/s : Mr.S. Raja Ahmad, AAG-5

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 12-01-2022 Petitioners have prayed for the following relief(s):

“a) For issuance of writ of certiorari to set aside the order contained in Memo No. 254 dated 13.07.2021, by which the Sub Divisional Officer, Pupri by (Hereinafter ‘Respondent No. 3’) arbitrarily restored the PDS license of Nathuni Mehtar (Hereinafter ‘Respondent No. 5’) bearing License No. 08/03 without delaying into the serious irregularities which had surfaced in the inquiry conducted by the Block Supply Officer, Bajpatti, Sitamarhi (Hereinafter ‘Respondent No. 4’) with respect to the functioning of PDS shop run by Respondent No. 5 at village Hasanpur, Badaharava, Panchayat Belahiyon, Block Bajpatti, Distt-Sitamarhi.

b) For issuance of writ of mandamus commanding the competent respondent authority to issue fresh show cause notice to respondent no. 5 with the copy of the inquiry report dated 07.05.2020 and statements of complainants duly enclosed and upon receipt of show cause with respect to the stated irregularities, a fresh reasoned decision may be passed in accordance with law.

c) For issuance of writ of mandamus commanding the Competent respondent authority to departmentally proceed against respondent no. 3 for brazen dereliction in discharge of his official duty.

d) For grant of any other relief in the interest of Justice, equity and good conscience.”

After some argument, learned counsel for the



petitioner, under instruction, submits that petitioner shall be content if a direction is issued to the concerned authority to consider and decide the Appeal to be filed by the petitioner within a period of four weeks along with a copy of this order, 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

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