

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13179 of 2021

=====

Krishna Ballabh Singh Son of Late- Vindeshwar Singh, Residence of Village- Kobil, P.S.- Islampur, District- Nalanda, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through, The Principal Secretary, Department of Civil Supply and Food and Consumer Protection, Old Secretariat, Bihar, Patna.
2. The Director, Department of Civil Supply and Food and Consumer Protection, Old Secretariat, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate-Cum- Collector, Nalanda.
5. The District Supply Officer, Nalanda.
6. The Additional District Supply Officer, Hilsa, Nalanda.
7. The Sub- Divisional Officer, Hilsa, Nalanda.
8. The Block Supply Officer, Islampur, Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ravi Kant Kumar, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
		Dr. Anshuman Singh, ASG
		Mr. Kumar Priya Ranjan, Advocate

=====

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.

The petitioner has prayed for the following relief/s :-



- (A) To issue the Writ of Certiorari quashing the Memo No.286/Supply, Dated 18/06/2021 (Annexure- 5), Issued By Respondent No. 7, and order to Restore the P.D.S License No. 37 of 2007 (Annexure -1) to the Petitioner in which be Cancelled in very mechanical manner beyond the specified provision of Law and Procedure.
- (B) To Issue the writ of mandamus, and directing to respondents authority to perform his duty and taken action as per provision of law and procedure, Prescribed in Bihar Targeted P.D.S (Control), order, 2016 time being in forced at Present.
- (C) To Issued the writ of mandamus as Per Under Section 25 of the Bihar Targeted P.D.S (Control), order, 2016 Pursuant Order Passed by the Hon'ble Supreme Court, in Civil Writ No. 196/2001 to which is the Part of the said Control Order.
- (D) To issue the writ of mandamus commanding the Respondents to discharge there legal obligation to conducted the Proper Enquiry in the matter and given the opportunity to the Petitioner accordance with law and Provision of Laws.
- (E) To Proper legal action against the responsible Respondents which are involved in such illegal, Manner to harass the Petitioners with so many corners.
- (F) To any others Relief/s, order/s, Direction/s to Petitioners may be found Entitled to.



After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned i.e Respondent No. 4, namely District Magistrate, Nalanda, within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said authority shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing



along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.
All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	12.01.2022
Transmission Date	

