

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8950 of 2022

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Manoj Jha, Son of Ramakant Jha, Resident of Village-Andaur, Andaur Tola,
Hanuman Nagar, P.S.-Mohiuddin Nagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Sub-Divisional Officer, Patory, Samastipur.
5. The Block Food Control and Supply Officer, Mohiuddin Nagar, Samastipur.
6. The Officer-in-Charge, Mohiuddin Nagar P.S., District-Samastipur.
7. Pitambar Paswan, Son of Late Prabhunath Paswan, Resident of Village-Jahangirpur Andaur, P.O.-Mohiuddin Nagar R.S., P.S.-Mohiuddin Nagar, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG 5
		Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-07-2022

Petitioner has prayed for the following relief(s):-

“(i) For directing the Respondent-Authorities to make enquiry into the matter if illegality and irregularity, which have been done by the Respondent No. 7 in distribution of Kerosene Oil and Food Grain to the consumers connected with him.

(ii) For further direction to the Respondent-



Authorities, after making enquiry to punish the Respondent No. 7 legally, if he is found guilty of making illegality and irregularity in distribution of the Kerosene Oil and Food Grain to the consumers and also cancel his License relating to the Public Distribution System.

(iii) For any other relief or reliefs, the petitioner is entitled in the facts and circumstances of the case.”

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, more so in view of the disputed question of fact, fairly states that petitioner be permitted to take recourse to such equally, efficacious alternative remedies as are available in accordance with law more specifically under the provisions of the Essential Commodities Act.

Permission granted.

Petition stands disposed of in the aforesaid terms.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum in appropriate proceedings.

Petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2022
Transmission Date	NA

