

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14352 of 2021

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Md. Jahir, Son of Md. Juhi, Resident of Village and Post - Muriya, Ward No. 1, P.S. - Sadar Darbhanga, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, the Department of Civil Supply, Govt. of Bihar, Patna.
2. The Commissioner, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Sub-Divisional Officer, Darbhanga.
5. The Supply Officer, Muriya Block, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Respondent/s : Mr.Lalit Kishore (Ag)

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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 : 17-01-2022

Heard learned counsel for the parties.

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



- I. To issue a writ in the nature of Certiorari to quash the order dated 20.02.2021 (Annexure-2) passed by learned Rationing Officer-cum-Sub-Divisional Officer; Darbhanga whereby and whereunder the P.D.S. Licence No. 26/2018 of the petitioner has been suspended.
- II. To issue a writ in the nature of mandamus directing the Respondents to reinstate the licence and business of the P.D.S. Shop of petitioner to its original status.
- III. To restrain the respondents from harassing the petitioner by way of unwanted and illegal proceeding.
- IV. To grant any other reliefs for which petitioner is entitled to have in connection with aforesaid grievance.

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 licensing authority to consider and decide the representation which the petitioner shall be filing 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 licensing authority i.e. Respondent No. 4, namely, The Sub Divisional Officer, Darbhanga by filing a representation for redressal of the grievance(s);

(b) The authority concerned 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 Court, if the need so arises subsequently on the same and subsequent cause of action;

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

(h) We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

The petition stands disposed of in the



aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

