

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15862 of 2021

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Satrudhan Prasad Ray Son of Chandrika Ray, Resident of Vilalge-Kochwara,
P.O. Arvind Nagar, P.S. Dariyapur, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Consumer and Food Protection Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Saran Division Chapra,
5. The District Magistrate, Saran at Chapra, District-Saran at Chapra.
6. The District Supply Officer, Saran at Chapra District-Saran at Chapra.
7. The Sub-Divisional Officer, Sonapur, District-Saran at Chapra.
8. The Additional Sub-Divisional Officer, Sonapur, District-Saran at Chapra.
9. The Block Supply Officer, Dariyapur, District-Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K.Manglam, Advocate
		Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 21-01-2022

I.A. No. 1 of 2022:

Heard.

This interlocutory application has been filed for
expunging the name of deceased sole petitioner, namely,

Satrudhan Prasad, who is stated to have died on 07.12.2021 during the pendency of this application and for substitution of his legal heir, his son, namely, Manoj Kumar Ray.

In view of the fact that the original petitioner had filed this writ petition for certain relief and there is no objection on part of the respondent, the I.A. No.1 of 2022 is allowed.

Let the name of deceased sole petitioner, namely, Satrudhan Prasad Ray be expunged and in his place his legal heir, Manoj Kumar Ray, as described above, be substituted in his place.

CWJC No.15862 of 2021:

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- (1) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the order dated 02.08.2021 passed by the Respondent no.7 and contained in his memo no.299 dated 02.08.2021, whereby and where under the Respondent no.6 has been pleased to cancel the Public

Distribution System (hereinafter referred to as P.D.S.) license of the petitioner with immediate effect though in the impugned order, the license number referred does not belong to the petitioner .

- (II) For issuance of an appropriate writ in the nature of **MANDAMUS** ,commanding and directing the Respondent no.2 to initiate appropriate disciplinary action against the Respondent no.8 for fabricating a false report against the petitioner ,reporting the Respondent no.7 about the conditions of license as contemplated under Bihar Targeted Public Distribution System (Control) Order,2016 and against the Respondent no.7 for illegal cancellation of petitioner's P.D.S. License without considering his show-cause in proper perspective.
- (III) For issuance of an appropriate writ in the nature of **MANDAMUS** ,commanding and directing the Respondent Authorities for restoration of petitioner's P.D.S. license and resume the supply of essential commodities for the consumers attached with the shop of the petitioner .
- (IV) For issuance any other appropriate writ/writs ,order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

Since the original petitioner has approached this Court without exhausting the statutory remedy of appeal against the impugned order and now he is is no more, as such, petitioner's

legal heir(s) is granted liberty to file an appeal before the appellate authority against the order passed by the Sub-Divisional Officer, Sadar Sonapur, District-Saran at Chapra -cum- licensing authority, and if any such appeal is filed within 4 weeks from today, the appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

With aforesaid liberty, the writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2022
Transmission Date	NA