

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13605 of 2019

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Ram Krishna Singh Son of late Bindeshwar Singh, Resident of Village-Sauriya, P.S. Manpur Sauriya Buzurg, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar.
2. The Additional Secretary, Food and Consumer Protection Department, Government of Bihar.
3. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar.
4. The Collector Cum District Magistrate, Sitamarhi.
5. The District Supply Officer, Sitamarhi.
6. The Sub-Divisional Officer(SDO), Pupri, Sitamarhi.
7. The Sub-Divisional Welfare Officer, Pupri, Sitamarhi.
8. The Block Development Officer(BDO) Cum Block Supply Officer, Bokhra, Pupri, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sharma, Advocate
		Mr. Binay Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

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(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.)

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2 02-12-2022 Petitioner has prayed for the following relief(s):-



- A. For issuance of an appropriate writ to quash or set aside the order dated 01-06-2019 *vide* letter No. 63 issued by the Block Development Officer cum Block Supply Officer, Bokhra (respondent no.8) whereby and where-under the respondent authority without conducting proper inquiry and providing reasonable opportunity of hearing to petitioner passed aforesaid order wherein petitioner who is PDS dealer since year 1990 directed to deposit Rs. 1698928/- (rupees sixteen lakh ninety eight thousand nine hundred twenty eight) in government treasury for the so called allegation of misappropriation of food grains allotted for the financial year 2014-15.
- B. For direction upon the respondent authority to not proceed or initiate Certificate proceeding against the petitioner as mentioned in the order dated 01-06-2019 *vide* letter No. 63 issued by the respondent no.8 without giving proper opportunity of hearing to petitioner.
- C. And for any other reliefs/reliefs for which the petitioner is found to be entitled under the provision of law involved in the present 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, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law, including the Essential Commodities Act, 1955.

Permission granted.



We are sure that as and when any such proceedings are initiated, before the appropriate forum, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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