

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17323 of 2021

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Hiralal, Son of Jitlal Sao, Resident of Hisua, P.S.- Hisua, District- Nawada (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Nawada.
4. The Sub-Divisional Officer, Sadar, Nawada.
5. The District Supply Officer, Nawada.
6. The Block Supply Officer, Hisua, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (S.C. 4)

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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 : 25-01-2022

Heard learned counsel for the parties.

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

(I) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the order dated 24.03.2021 passed in Supply Revision Case No. 15/2019 passed by the learned Commissioner, Magadh Division, Gaya whereby and where under revision petition filed by the petitioner was dismissed and order dated 24.10.2018 passed by the District Magistrate,

Nawada in Supply Appeal Case No. 61(M) of 2018 was upheld as such the same was dismissed who also held that order dated 01.09.2017 as contained in Record No. 19/2017 passed by the Sub-Divisional Officer, Sadar, Nawada does not require any interference who has rightly cancelled the PDS license of the petitioner bearing No. 15/85..

(II) To direct the respondent No. 4 to restore the license of the petitioner henceforth with.

(III) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

3. After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(Respondent No. 1, the State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna)** 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).

4. 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 four months from the date of its

filing along with a copy of this order.

5. Statement accepted and taken on record.

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

- (a) Petitioner shall approach the authority concerned within a period of four weeks from today 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 four months from the date of its filing along with a copy of this order;
- (c) The order assigning reasons shall be communicated to the petitioner;
- (d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

- (f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (g) 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;
- (h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;
- (i) We have not expressed any opinion on merits.
All issues are left open;
- (j) 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;

7. The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	