

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18589 of 2021

1. Durgesh Kumar Son of Shambhu Prasad, resident of Village-Gaura, Post-Kaliyachak, P.S.-Hilsa, District-Nalanda.
2. Saurav Kumar, Son of Santosh Kumar, resident of Village-Gaura, Post-Kaliyachak, P.S.-Hilsa, District-Nalanda.
3. Bindeshwar Jamadar, son of Late Garai Jamadar, resident of Village-Gaura, Post-Kaliyachak, P.S.-Hilsa, District-Nalanda.
4. Suryakant Pandit, son of Satyendra Pandit, resident of Village-Gaura, Post-Kaliyachak, P.S.-Hilsa, District-Nalanda.
5. Ravi Kumar, son of Pramant Paswan, resident of Village-Gaura, Post-Kaliyachak, P.S.-Hilsa, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector, Nalanda at Biharsharif.
3. The Sub-Divisional Officer, Hilsa, Nalanda.
4. The Block Supply Officer, Islampur, Nalanda.
5. Binu Ram, Son of Late Kailash Ram, resident of Village-Gaura, Post-Kaliyachak, P.S.-Hilsa, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Prasad Sinha
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 14-02-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“That this is an application for issuance of writ/writs, order/orders, direction/directions directing the Sub-Divisional Officer, Hilsa (Respondent No. 3) to issue show cause notice to respondent no. 5 in conformity with the

provisions contained in clause 27(ii) of the Bihar Targeted PDS Control Order 2016 and to mention in the notice the proposal for cancellation of the License of Respondent no. 5 and to proceed afresh in accordance with law.”

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioners, learned counsel for the petitioners, under instructions, states that petitioners shall be content if a direction is issued to the authority concerned i.e. **respondent no. 3 Sub Divisional Officer, Hilsa, Nalanda**, to consider and decide the representation which the petitioners shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of 3 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 on the following terms:-

(a) Petitioners 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take 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 petitioners 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;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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