

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18432 of 2021

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Md. Suleman alias Suleman Rain, S/o Late Noor Mohammad alias Nur Mohammad Rain, Resident of Village and Post -Bauram, P.S.-Jamalpur, Block-Gaura Bauram, District-Darbhangha, Pin 847203.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Licensing Officer-cum-Sub Divisional Officer, Biraul, Darbhanga.
5. The Block Supply Officer, Gaura Bauram, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the Respondent/s : Mr. S Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(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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Date : 31-01-2022

Heard learned counsel for the parties.

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



- i. For issuance of appropriate writ(s)/ Rule(s)/Direction(s) in the nature of mandamus, commanding the concerned respondents, for quashing the order dated 21.06.2021, contained in Memo No.1062 dated 21.06.2021, issued by Licensing Officer -cum- Sub Divisional Officer, Biraul, Darbhanga, by which the License No.26/2016 of Petitioner's Public Distribution System Shop (PDS Shop), situated at Gram Panchayat Raj Baraum, Gaura Bauram, Darbhanga, has been cancelled, without considering the petitioner's reply dated 10.07.2021, to the show cause notice, issued by the Sub-Divisional Officer, Biraul, Darbhanga, vide his Memo No.968, dated 04.06.2021.
- ii. For restoration of Petitioner's License No. 26/2016 with all facilities, available to the PDS Shop.
- iii. For grant of all other relief(s) to which the petitioner may found entitled to, under the facts and circumstances of the case.

Learned counsel for the petitioner states that he has preferred an appeal in the year 2021 which is yet pending. Since the appeal was not decided in accordance with law, he filed an application seeking withdrawal of the appeal. However, as on date, no order stands filed on the petition seeking withdrawal of the appeal.

Learned counsel appearing on behalf of the State



states that the appeal itself shall be heard on merits, provided the petitioner fully cooperates.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner shall make himself available before the Appellate Authority on 14th of February, 2022 along with a copy of this order;

(b) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(c) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(d) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(e) The Appellate Authority shall pass a reasoned and speaking order, within a period of six weeks from the date of appearance of the petitioner before the Appellate Authority along with a copy of this order;

(f) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(g) Equally, liberty reserved to the parties to take



recourse to such other remedies as are otherwise available in
accordance with law;

(h) 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;

(i) We have not expressed any opinion on merits and
all issues are left open;

(j) Liberty reserved to the petitioner to challenge the
order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the
aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	02.02.2022
Transmission Date	

