

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18946 of 2021

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Subodh Singh Son of Nawal Singh Resident of Village- Mohabbatpur, P.S.-
Shekhopursarai, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. The District Magistrate Sheikhpura.
3. The Sub-Divisional Officer Sheikhpura.
4. Senior Treasury Officer Sheikhpura.
5. District Coperative Officer Sheikhpura.
6. District Supply Officer Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhav Raj, Adv
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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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.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 31-01-2022

Heard learned counsel for the parties.

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

“(i) For quashing the order dated contained in

Letter No. 241 dated 19.07.2021 to the extent the order

passed against Column No. 3 whereby and where under claim of the Petitioner for issuance of the license on compassionate ground under the chairmanship of District Magistrate, Sheikhpura was rejected stating therein that in the application given by father of the Petitioner for issuance PDS licence age was mentioned as 35 years and for that in the affidavit given on 06.01.1990 his age was mentioned as 35 years and accordingly the age of his father at the time of his death was 62 years further stated that under Section-10 of Bihar Targeted Public Distribution System (Control) Order, 2016 in the event of death of a licence holder under 58 years of age then on priority basis licence will be issued to the deceased's wife, son, unmarried daughter, daughter-in-law and widow wife of his son. (Annexure-3)

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s direction/s, commanding the respondent authorities for the following:

i.To treat the order contained in Annexure-3 to be nullity and non-est in the eye of law.

ii. to grant PDS license to the petitioner on compassionate ground.”

After the matter was heard for some time, learned counsel for the petitioner, states that petitioner shall be content if a direction is issued to the authority concerned under Section

32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 to consider and decide the Revision to be filed by the petitioner within a period of four weeks along with a copy of this order, within a period of two months from the date of its filing.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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.

The petition stands disposed of in the aforesaid

terms.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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