

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18905 of 2021

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Pankesh Kumar Rai Son of Akhilesh Kumar Rai Resident of near Hanuman Mandir, Ward No. 6, Lawapur, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Divisional Commissioner Tirhut Division, Muzaffarpur.
3. The District Magistrate-cum- Collector Hajipur, Vaishali.
4. The Sub- Divisional Officer Mahnar, Vaishali.
5. The Assistant District Supply Officer Mahnar, Vaishali.
6. The Block Supply Officer Mahnar, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Rakesh Chandra
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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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) To issue an appropriate writ/writs, order/orders, direction/directions including a writ in the nature of Certiorari for quashing the order as Contained in the memo No.64/S dated 29.01.2021 passed by Sub- Divisional officer, Mahnar (hereinafter referred) to as Licensing Authority under Bihar Targetted Public Distribution (Control) Order 2016 in exercise of powers Conferred to him under the said Control order whereby and whereunder he has cancelled the fare price shop license bearing its No. 42/16 of the petitioner taking into account of irregularity committed by the dealer/petitioner in proper distribution of food grains and

other commodities.

(ii) To quash the order dated 07.08.2021 passed in P.D.S. Appeal Case No. 14/ 2021 passed by the Collector, Vaishali (Hereinafter referred to as appellate authority under the aforesaid (control) order 2016 whereby and whereunder he has rejected the appeal filed by the petitioner and thereby confirmed the order of the S.D.O. Mahnar having no defect in the order which requires no interference.

(iii) To direct the S.D.O., Mahnar to revoke the fair price shop license of the petitioner hence with.”

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