

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20431 of 2021

=====

Vijay Paswan, S/o Sri Subodh Paswan, R/o Village- Singwari, P.S.- Katra,
District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Patna.
2. The Collector, Muzaffarpur.
3. The Sub- Divisional Officer, East Muzaffarpur.
4. The Block Supply Officer, Katra, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

=====

(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.)

=====

Date : 08-02-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



i. For issuance of direction/ directions or order/ orders or writ/ writs particularly in the nature of certiorari for quashing the order dated 03.09.2021 contained in Memo No.- 1931 issued under the signature of Sub-Divisional Officer, East Muzaffarpur by which the license bearing no. 23-05-20-02/2016 granted to the petitioner under the fair price shop order and/or the PDS (Control) order, 2016 for carrying on business of fair price shop has cancelled by the Sub-Divisional Officer, East Muzaffarpur without any valid and cogent reason in most cryptic and vague order with non-consideration



of show caused filed on behalf of the petitioner.

- ii. For issuance of direction or order or writ particularly in the nature of mandamus for commanding and directing the respondent authority to restore the license of the petitioner after quashment of order (i.e. Annexure-1 of the writ petition).
- iii. For issuance of direction or order or an appropriate writ to the respondent no. 2 to disposed of appeal bearing Appeal No.-45/PDS/2021-22 with reasoned and speaking order.
- iv. For any other incidental and consequential relief/ reliefs to which the petitioner is found fit under the fact and circumstances of this case.

Learned counsel for the petitioner states that



petitioner's appeal being Appeal No.45/PDS/2021-22 is pending consideration before the Appellate Authority and petitioner shall be content if a direction is issued for expeditious disposal of the same.

Learned counsel for the respondents states that the aforesaid appeal shall be considered and decided within the statutory period.

Statement accepted and taken on record.

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

(a) Petitioner shall make himself available before the Appellate Authority on 22.02.2022;

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

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

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

(f) The Appellate Authority shall pass a reasoned and speaking order, within the statutory period;

(g) Copy of the 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 assail the order, before the appropriate forum, should the need so arise subsequently.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	10.02.2022
Transmission Date	

