

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20744 of 2021

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Mohammad Kamaluddin, Son of Mohammad Motiur Rahman, Resident of
Village - Shahbazpur, P.O. - Karhatia, P.S. - Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate Cum Chairman, District Selection Committee, Darbhanga, District - Darbhanga.
3. The Sub-Divisional Officer, Sadar, Darbhanga.
4. Mohammad Mokkaam, Son of Md. Mansur, Resident of Village - Chakjamal, P.O. - Lalbag, P.S. - Sadar, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, 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 : 11-02-2022

Heard learned counsel for the parties.

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

“That this writ application is being filed on behalf of the petitioner above named for issuance of an appropriate writ, order or direction for quashing the decision passed by the District Magistrate cum Chairman, District Selection Committee, Darbhanga in a meeting dated 01.09.2017 under the signature of authorities concerned and by which one namely Md. Mokkaam has been selected for issuance of PDS license and/or to cancel the PDS license if any the same has been issued in the name of the same person in the place of the petitioner and if the same has not been issued to any person, may kindly stay the same till final order of this writ

application.”

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