

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21191 of 2021

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Geeta Devi wife of Hriday Narayan Choudhary resident of Mohalla- Adarsh
Nagar, Banka, P.O. and P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The District Rural Development Authority (DRDA), Banka.
4. The Deputy Development Commissioner, Banka.
5. The Director, District Rural Development Authority (D.A.R.D), Banka.
6. The Managing Director, District Industrial Campus, Banka.
7. Sub- Divisional Officer, Banka.
8. Circle Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brij Nandad Prasad, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh (Ga2)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 07-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of writ in the nature of certorari to quash the order contained in memo no.1522 dated 09.10.2021 issued by Director, District Rural Development authority (D.A.R.D.), Banka under signature of Deputy Development Commissioner, Banka by which allotted shop no.11 to the petitioner has been cancelled.

(ii) For issuance of further writ in the nature of mandamus commanding and directing the respondents to allow this petitioner to run her shop no.11 already allotted by vide memo no.249 dated 13.02.2021 in the interest of justice.

(iii) For declaration and holding that petitioner deserves to run her shop no.11 already cancelled by the respondents in the interest of justice.

And/or pass such other order or orders as deem fit and proper in the interest of justice.”

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned, the Deputy Development Commissioner, Banka to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a

representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

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

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2022
Transmission Date	NA