

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9152 of 2023

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Latif Shafi S/o Manohar Shafi, Resident of Village- Bhawanipur Uttar, P.S.-
Bhawanipur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Supaul.
3. The Sub-Divisional Officer, Birpur.
4. The District Supply Officer, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Advocate.

For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 25-09-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

“For issuance of writ in the nature of mandamus directing the respondent Sub-Divisional Officer, Birpur to restore the license of the petitioner and resume the supply of Food Grains with immediate effect in pursuance to the direction given by the District Magistrate, Supaul vide order dated 10.12.2022 and also in view of the facts that the petitioner has been acquitted in the criminal proceeding pending before the Court below vide judgment dated 20.09.2018.

II. For issuance of writ in the nature of declaration holding that non restoring of the PDS license of the petitioner of by respondent S.D.O is wholly illegal arbitrary as there being no order of cancellation or suspension of license of the petitioner and the petitioner being an old PDS dealer is running from pillar to post for redressal



of his grievance.

III. For any other reliefs (s) for which petitioner is found entitled to in facts and circumstances of the present case.

3. Learned counsel appearing on behalf of the petitioner has stated that even though the petitioner has been acquitted of all the charges in the criminal case, the authorities are yet to restore the licence of the petitioner. Learned counsel has stated that the petitioner has already filed an application along with the requisite fee for restoration of the said licence pursuant to his acquittal in the criminal case, however, the authorities are yet to take a decision on his application. Learned counsel has therefore prayed for allowing the present CWJC.

4. Learned counsel for the respondents-authorities has stated that he has no objection if a direction is given to the Respondent No. 3 to pass necessary orders on the application made by the petitioner dated 10.10.2018 vide Annexure-2.

5. Having regard to the above made submissions without going into the merits or demerits of the case, the Respondent No. 3 is directed to consider the application of the petitioner duly taking into consideration the order dated 20.09.2018 contained in Special Case No. 38 of 1989 passed by the Sub-Judicial Magistrate, Birpur at Supaul as expeditiously as possible preferably within a period of six weeks from the date of the receipt of the copy of this order. Any order passed shall be



communicated to the party.

6. With the above directions, the present Writ Petition stands disposed off.

(A. Abhishek Reddy , J)

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