

**(2020) 09 PAT CK 0195**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 7612 Of 2020

Madan Kumar Singh

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

**Date of Decision:** Sept. 15, 2020

**Acts Referred:**

- Constitution Of India, 1950 - Article 226

**Hon'ble Judges:** Ashwani Kumar Singh, J

**Bench:** Single Bench

**Advocate:** Jai Prakash Verma, Deo Kumar Pandey

**Final Decision:** Disposed Of

**Judgement**

1. Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.
2. The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. Inspite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.
3. Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.
4. Heard Mr. Jai Prakash Verma, learned counsel for the petitioner and Mr. Deo Kumar Pandey, learned AC to GP-2 for the State.
5. By way of the instant application preferred under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the

nature of mandamus for directing the respondent no. 2 to dispose of the P.D.S. Appeal No. 4 of 2020-21 of the petitioner expeditiously.

6. Learned counsel for the petitioner submitted that the petitioner was a dealer of Public Distribution System of Gram Panchayat Raj Pagahiyan, Ward

No. 2, Block-Motipur, District-Muzaffarpur having license no. 23020129/2016. His license was valid till 9th September, 2021. He was served with a

show cause notice by the Sub Divisional Officer, West, Muzaffarpur on 13.09.2019 on the basis of an inspection report submitted by the Block Supply

Officer regarding certain irregularities committed by him while running the dealership under the Public Distribution System. He submitted his reply to

the show cause notice on 25.09.2019, whereafter vide order dated 26.12.2019, his PDS licence was cancelled by the Sub Divisional Officer, West

Muzaffarpur on the ground that he had violated the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016. He submitted that

the petitioner preferred an appeal before the District Magistrate-cum-Collector, Muzaffarpur (respondent no. 2) vide P.D.S. Appeal No. 4 of 2020-21

on 24.01.2020. The said appeal is pending till date. He contended that under the provisions of the Bihar Targeted Public Distribution System (Control)

Order, 2016, the appeal is required to be disposed of within a period of sixty days from the date of its filing, but the respondent no. 2 is sitting tight over

the matter.

7. Learned counsel appearing for the State does not oppose the prayer of the petitioner. He submitted that the delay in disposal of the appeal might

have been caused due to continuous lockdown in view of COVID-19 Pandemic. He further contended that the Court may issue necessary direction to

the respondent no. 2 to dispose of the appeal of the petitioner on priority basis.

8. Having regard to the facts and circumstances of the present case, the writ petition is disposed of with a direction to the respondent no. 2, the

District Magistrate, Muzaffarpur to dispose of the pending appeal of the petitioner within a period of four weeks from the date of receipt/production of

a copy of this order.

9. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered

appropriate to adopt the following procedure for communication of the present judgment:-

(i) The judgment, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr.

Secretary.

(ii) The corrected copy of the judgment shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic

copy of the judgment passed by this Court in the present proceeding.

(iii) Hard copy of the judgment duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the judgment be sent to Mr. Jai Prakash Verma, learned counsel for the petitioner also on his email.

(v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present judgment without compromising with the norms of social distancing.