

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7695 of 2016

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1. Jagannath Sah, son of Rajendra Sah, resident of village- Parsauni, Ward No.2, P.S. + Block – Parsauni, District- Sitamarhi
 2. Upendra Baitha, Son of Late Ramchandra Baitha, resident of village- Parsauni Mailwar, P.S. + Block- Parsauni, District- Sitamarhi

.... Petitioners

Versus

1. The State of Bihar
2. The Collector-cum-District Magistrate, Sitamarhi
3. The District Supply Officer, Sitamarhi
4. The Sub-Divisional Officer, Belsand, District- Sitamarhi
5. The Block Supply Officer, Parsauni
6. The Food Supply Inspector, Parsauni, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Devendra Kumar, Advocate
For the State : Ms. Divya Verma, A.C. to A.A.G. 3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 29-06-2016

Heard parties.

Petitioners submits that their licences were cancelled on 21.07.2000.

It is stated in paragraph no.11 of the writ petition that the petitioner nos.1 and 2 were shocked to receive memo no.53 and 57 from the Sub-Divisional Officer whereby the licences of the petitioners were cancelled with immediate effect. The photocopy of the letter has been appended as Annexure 5 which indicates only memo number and the date and also indicates to whom the copies of the memo are to be served. But, surprisingly, the main portion of the

memo has not been brought on record and there is no explanation for it.

If only memo number was provided by the authorities to the petitioners then they were required to file requisition for certified copy of the order because memo number, as appended by the petitioners, nowhere discloses that their licences have been cancelled, then how the statement could have been made in paragraph no.11 of the writ petition that petitioner nos. 1 and 2 were shocked to receive the memo whereby the licences of the petitioners were cancelled with immediate effect.

That apart, when learned counsel for the petitioners was confronted as to how the order of the year 2000 can be challenged after 16 years then another startling story was revealed. It is pointed out that a writ petition was filed in the year 2001 but since there were defects to be removed and which ultimately could not be removed, the writ petition could not be considered by this Court and after 15 years again a fresh writ petition has been filed. When he was confronted as to why no action was taken immediately thereafter then a supplementary affidavit has been filed for filling up the lacuna by stating that learned counsel had left practice and he never informed the petitioners regarding the aforesaid fact but at the same time it is not clear as to why the petitioners did not make any enquiry regarding

their case for about 15 years.

In my view, this is frivolous application having been filed after 15-16 years without even appending the proper order which was communicated to the petitioners vide memo no.53 and 57 dated 21.07.2000 and, as such, and also in view of deliberate delay and laches, this writ application is dismissed.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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