

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1366 of 2015

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Raktu Ram, S/o Late Budh Ram Ram, R/o village – Amaithiya, P.S. + Block
Jogapatti, District West Champaran

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, West Champaran, Bettiah
2. The District Magistrate, West Champaran, Bettiah
3. The Sub Divisional Officer, Bettiah Sadar, West Champaran, Bettiah
4. The Block Supply Officer, Jogapatti, West Champaran, Bettiah
5. The Circle Officer, Yogapatti, West Champaran, Bettiah
6. The Block Development Officer, Yogapatti, West Champaran, Bettiah

.... Respondents

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Appearance :

For the Petitioner : Mr. Vishwajeet Kumar Mishra, Advocate

For the State : Mr. Jay Prakash Sharma, AC to G.P.XI

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 26-04-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of Annexure 1 by which his
licence granted for running PDS shop has been cancelled by Sub
Divisional Officer, Bettiah Sadar and also Annexure 2 by which his
appeal filed against the aforesaid order has been dismissed on the
ground of delay on 16.9.2013 by the appellate authority.

It is submitted on behalf of the petitioner that delay is of
about 120 days. The petitioner, due to his illness, could not prefer the
appeal in time. The appellate authority has disbelieved this stating
that the certificate granted by the doctor does not generate evidence
regarding the claim of the petitioner. In my view, such period of
delay comes within the ambit of such type which was required to be

condoned in view of the decision of the Apex Court rendered in **S.Ganesharaju Versus Narasamma [(2013) 11 Supreme Court Cases 341]**.

Accordingly, the appellate order as contained in Annexure 2 is quashed and set aside. The delay in filing the appeal is condoned. The matter is remitted back to the appellate authority for taking a decision on its own merit and in accordance with law expeditiously preferably within a period of three months from the date of receipt / production of a copy of this order.

Accordingly, this writ application stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

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