

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17866 of 2015

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Lalan Prasad Singh, Son of Late Dharamdeo Narain Singh, resident of Village-
Jaitiya, P.S. Konch, District- Gaya.

.... Petitioner/s

Versus

1. The Secretary, Food & Civil Supply ,Govt. of Bihar, Patna.
2. The State of Bihar through the Collector, Gaya, District- Gaya.
3. The Sub-Divisional Officer, Tekari, District- Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Tekari, Gaya, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh, Advocate
For the State : Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 01-10-2018

The present writ petition has been filed for quashing the
order dated 16.07.2015 passed in Supply Revision Case No. 14 of
2015 by the Commissioner, Magadh Division, Gaya.

2. Learned counsel for the petitioner submits that
intimation was given on 29.03.2011 (Annexure-2) to the S.D.O., Gaya
that the petitioner was proceeding to Bangalore for treatment.
Thereafter, he remained under treatment at Bangalore between
30.03.2011 and 20.01.2012 but in the meantime, his license was
cancelled on 24.12.2011. The appeal filed against the cancellation
order was un-successful and the revision preferred was also dismissed
on the ground of limitation. It is submitted that the PDS shop of the



petitioner was cancelled without proper show cause notice as he was away at Bangalore at the relevant time.

3. Learned counsel for the State, on the other hand, opposes the writ petition, submitting that the cancellation order was passed after proper enquiry as the shop of the petitioner remained closed and the food grains were not being distributed to the beneficiaries. Moreover, it would appear that even though the appellate order was passed on 14.02.2013, there was considerable delay of two years in filing the revision before the Commissioner, which was thus rightly dismissed as the delay was not explained satisfactorily.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. It would transpire that the petitioner had not diligently pursued his remedies before the authorities. Petitioner has been unable to show any proper cause for the delay in filing the revision petition which thus appears to have rightly been dismissed on the point of limitation. Moreover, no specific and categorical stand has been taken with regard to the non-service of notice upon the petitioner and the averments made in this regard are rather vague. The petitioner has also not enclosed proper medical documents to show that in fact he was in continuous treatment at Bangalore for the entire duration from



April, 2011 up to the time of cancellation of his license in December, 2011.

5. The impugned order of the Commissioner passed in the supply revision case thus required no interference. The writ petition stands dismissed.

(Vikash Jain, J)

N.H./- Chandran

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