

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.404 of 2018
IN
Civil Writ Jurisdiction Case No. 14490 of 2017**

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Prem Kumar Ram Sono f Late Mohar Ram, Resident of Village-Dharampur Japhar,
P.S.-Amnour, District-saran, Chapra.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Saran, Chapra.
3. The Sub-Divisional Officer, Marhowrah, District-Saran, Chapra.
4. The Block Supply Officer, Amnour Block, Saran, Chapra.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. S.Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-08-2018

Seeking exception to an order dated 16.3.2018 passed
by the learned Writ Court in C.W.J.C. No.14490 of 2017, this appeal
has been filed under Clause 10 of the Letters Patent.

Even though a strong ground, prima facie, is made out
to say that suspension and termination of the license is not
permissible in view of various judgments passed in C.W.J.C.
No.10717 of 2018 (Raghaw Sharan Pandey) and C.W.J.C. No.11208
(Ram Binod Prasad), but in the peculiar facts and circumstances of
the present case, we are not inclined to go into this legal question at



the instance of the petitioner in this appeal for the simple reason that the license of the petitioner was suspended way back in the year 2009 and it was cancelled on 8.1.2010 and it was only after 8 years that the writ petition was filed in the year 2017 when the learned Writ Court refused to entertain the claim on the ground that the petitioner slept over the matter from 2009 up to 2017 and woke up to challenge the action only after the P.D.S. license was granted to a third person and thus a third party interest created.

Even though learned counsel appearing for the appellant tried to emphasize that an appeal was filed in the year 2010 which was not decided within 90 days and according to the respondent it was dismissed in the year 2012, still petitioner is unable to justify the delay of five years in filing the writ petition.

In view of the aforesaid, we dismiss the appeal on the ground of delay and the attitude of the petitioner in ventilating his grievance leaving the legal issue involved to be considered in an appropriate case.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/-

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