

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21308 of 2018**

=====

Javadul Haque s/o-Sirajuddin, R/o -Chhatargachh, P.S.-Pahar katha, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Food, Civil Supply and Consumer Protection Government of Bihar, Patna.
3. The Director, Food and Civil Supply, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Kishanganj.
5. The District Supply Officer, Kishanganj.
6. The Sub-Divisional Officer, Kishanganj Sub- Division, Kishanganj.
7. The Block Supply Officer, Pothiya Block, Kishanganj.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Bajarangi Lal  
For the Respondent/s : Mr. S. Raza Ahmad- Aag5

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      04-12-2018                      Heard the parties.

The petitioner has challenged the order dated 26.06.2018 passed by the District Magistrate, Kishanganj in Supply Case No.17 of 2015 whereby and whereunder the Appeal of the petitioner has been dismissed in default on account of absence of the learned counsel for the petitioner on only one occasion.

I have heard the learned counsel for the parties and considering the fact that the Appeal of the petitioner has not been decided on merits, this Court feels that it would be expedient and in the interest of justice to relegate the matter back to the District



Magistrate, Kishanganj to decide the Appeal afresh after giving an opportunity of hearing to the petitioner. Hence, the order dated 26.6.2018 is set aside. The writ petition is allowed with liberty to the District Magistrate, Kishanganj to dispose of the Supply Case No.17 of 2015 on merits.

It is needless to state that the petitioner would appear before the District Magistrate, Kishanganj on 17<sup>th</sup> December, 2018 at 10.30 A.M. so that the District Magistrate, Kishanganj can hear the petitioner and pass appropriate orders. It is made clear that in case the petitioner does not appear on 17<sup>th</sup> December, 2018 before the District Magistrate, Kishanganj, the appeal would be decided ex.-parte. It is expected that the District Magistrate, Kishanganj will decide the case of the petitioner within a period of eight weeks from today.

**(Mohit Kumar Shah, J)**

sanjeev/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

