

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3506 of 2019

Ashok Yadav Son of Vidya Sagar Yadav, resident of Village- Bariyahi, Police Station- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Collector-cum-District Magistrate, Begusarai.
2. The Collector-cum-District Magistrate, Begusarai.
3. The Sub Divisional Officer, Begusarai.
4. The District Supply Officer, Begusarai.
5. The Block Development Officer, Barauni, District- Begusarai.
6. The Block Supply Officer, Barauni, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar
For the Respondent/s : Mr.S.Raza Ahmad (Aag5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-07-2019 Petitioner in the present case is seeking quashing of the order as contained in memo no.291 dated 10.09.2004 passed by the Sub-Divisional Officer, Begusarai by which the PDS shop licence of the petitioner bearing no.08/96 has been suspended. He has further prayed for setting aside of the order contained in memo no.183 dated 09.06.2005 issued under the signature of the Sub-Divisional Officer, Begusarai by which the licence has been cancelled with immediate effect.

From bare reading of the writ petition it appears that in the year 2005 one FIR was lodged against the petitioner alleging that he had lifted 458.86 quintals of food-grain “Food for Work” out of which 115 quintals food-grains was utilized for



the said purpose and remaining 343 quintals was with the petitioner. He was served with a show cause notice and thereafter his licence of the PDS shop was cancelled vide order dated 09.06.2005 as contained in Annexure-8 to the writ application. He had preferred statutory appeal bearing Misc. Appeal No.47 of 2005 before the District Magistrate, Begusarai which was dismissed in default vide order dated 22.08.2009.

In the writ application there is no statement at all as to why no step was taken by the petitioner to get restored the appeal before the District Magistrate for all these years. The writ application is also silent as to why it is being presented before this Court ten years after the dismissal of his appeal. In these circumstances, this Court is of the considered opinion that the writ application is fit to be dismissed on the ground of delay and laches alone. The opinion of this Court is strengthened by the Hon'ble Division Bench judgment of this Court in the case of Deo Sahay Singh Vs. State of Bihar & Ors. Reported in 2019(4) BLJ 345.

(Rajeev Ranjan Prasad, J)

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