

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3972 of 2019

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Lalbabu Singh, Gender- Male, aged about 58 Years, Son of Late Ram Surat Singh, Resident of Village- Madhubani, P.S. Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate District- East Champaran, Motihari.
3. The Sub Divisional Officer, Sikrahna, Dhaka District- East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Bihar : Mr. Alok Ranjan, AC to AAG-5

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 29-05-2019

Heard learned counsel for the petitioner and learned AC
to AAG-5 for the State.

2. The petitioner has moved the Court for the following
reliefs:

*“That this writ application is being filed
for issuance of appropriate writ/order/direction for
disposal of Appeal filed by the petitioner against the
cancellation of P.D.S. licence order before the
learned District Magistrate, East Champaran,
Motihari on 20/9/2016 vide Supply Appeal No.
19/2016 which is still pending beyond the statutory
period and further may direct the respondents to not
issue any new licence in place of the petitioner till
disposal of appeal.”*



3. The grievance of the petitioner is that against the order of cancellation of his licence under the Public Distribution Scheme, the appeal filed by him before the District Magistrate, East Champaran (respondent no. 2) being Supply Appeal No. 19 of 2016, is still pending since 20.09.2016.

4. Learned counsel for the petitioner submitted that without any justifiable or valid reason, the appeal filed by him is pending for more than two and a half years though as per the requirement of Section 32(iii) Bihar Targeted Public Distribution System (Control) Order, 2016 it is to be done within a period of 60 days.

5. Learned counsel for the State was not in a position to explain such delay.

6. Having considered the matter, the Court finds that keeping the appeal pending for so long is totally arbitrary. The Statute provides for consideration within 60 days, as far as practicable. This does not mean that the said 60 days would stretch to over two and a half years. Thus, there cannot be any valid reason for such inordinate delay.

7. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 2 to pass final orders in Supply Appeal No. 19 of 2016, if already not done, filed by the



petitioner by passing a reasoned order after giving opportunity of hearing to the petitioner, latest within a period of six weeks from the date of production/receipt of a copy of this order by him. Failure to do so shall entail strict consequences.

(Ahsanuddin Amanullah, J.)

P. Kumar

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