

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 4212 of 2019**

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Bihari Lal Hembram, Gender- Male, Aged about 52 Years, Son of Late Prithvi Hembram, Resident of Village-Balkudih, P.S. Bounshi, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Banka, District-Banka.
3. The Sub-Divisional Officer. Banka, District-Banka.

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Rajeev Kumar Labh, Advocate |
| For the State        | : | Mr. U. P. Singh, AC to SC 4     |

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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 Collector, Banka on 15/12/2016 vide Supply Appeal Case No. 100/2016-17 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



System, the appeal filed by him before the District Magistrate, Banka (respondent no. 2) being Supply Appeal Case No. 100 of 2016-17, is still pending.

4. Learned counsel for the petitioner submitted that without any justifiable or valid reason, the appeal filed by him is pending for almost two and a half years though as per the requirement of Section 32(iii) of the 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 Case No. 100 of 2016-17, 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 may entail strict consequences.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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