

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1606 of 2018

In

Civil Writ Jurisdiction Case No.16177 of 2014

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Rajendra Yadav, son of Sri Ram Swaroop Yadav, Resident of village- Tulsi Bigha, P.S- Goh, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya
3. The District Magistrate, Aurangabad
4. The Sub-Divisional Officer Daudnagar, District- Aurangabad
5. The Block Supply Officer, Goh Block, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kamal Kishore Singh

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 09-12-2019 The present appeal is being preferred against the order dated 20.08.2018 passed by learned Single Judge in C.W.J.C. No. 16177 of 2014 (Rajendra Yadav vs. The State of Bihar & Ors) whereby and whereunder the writ petition has been dismissed.

Impugned judgment dated 20.08.2018 passed in C.W.J.C. No. 16177 of 2014 (Rajendra Yadav vs. The State of Bihar & Ors) by the learned Single Judge is reproduced hereunder:



The present writ petition has been filed for quashing the order dated 19.08.2008 whereby and whereunder the licence bearing no. 4/G/93/P DS shop of the petitioner has been cancelled with effect from 19.08.2008; for quashing the order dated 18.01.2011 passed by the District Magistrate, Aurangabad in Miscellaneous Appeal No. 19/11 whereby and whereunder the appeal filed by the petitioner against the order dated 19.08.2008 has been dismissed on the ground that the appeal is barred by limitation; and for connected reliefs.

2. At the very outset, this Court takes note that the petitioner filed the appeal after an inordinate delay of more than two years and as such the same was not entertained. Despite the appellate order having been passed as far back as on 15.03.2011, the petitioner allowed another three and half years to elapse thereafter before approaching this Court in September, 2014 without any proper explanation for such delay and laches.

3. Learned counsel for the respondents has also pointed out that the writ petition involves a disputed question of fact as the stand of the petitioner that he had filed a show cause reply dated 31.05.2008 (Annexure-4) has been controverted in the counter affidavit.

4. Be that as it may, having regard to the delay and laches on the part of the petitioner, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.”

In the impugned judgment, this Court has found no infirmity, as the 3rd party right has crystallized in the meanwhile.



The appeal stands disposed of.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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