

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2855 of 2020

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Kameshwar Ravidas @ Rameshwar Ravidas son of Late Hari Ravidas
resident of village- Taraunchi, P.O.- Teneri, P.S.- Guraru Mills, District- Gaya

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna
2. The District Magistrate, Gaya
3. The Sub-divisional Officer, Tekari, Gaya
4. The Block Supply Officer, Guraru, Gaya

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Nand Kishore Prasad Sinha
For the Respondent/s	:	Mr. Maruth Nath Roy (A.C. To S.C. 4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-02-2020 The present writ petition has been filed for quashing the order dated 24.10.2019 passed by the learned District Magistrate, Gaya whereby and whereunder the appeal of the petitioner bearing Supply Appeal No. 50 of 2007 has been dismissed on account of non prosecution.

The learned counsel for the petitioner has submitted that a bare perusal of the impugned order dated 24.10.2019 would show that though the attendance of the petitioner has been marked, however, he has been shown to have not appeared upon calls.

It is further submitted that a lenient view may be taken because the livelihood of the petitioner is at stake.



The learned counsel for the State has submitted that in case the matter is being remanded back to the District Magistrate, Gaya for reconsideration, it be clarified that in case of non appearance of the petitioner herein before the learned District Magistrate, Gaya in the appeal proceeding, the District Magistrate would be free to pass *ex parte* orders.

Having regard to the facts and circumstances of the case, and considering the submissions made by the learned counsel for the parties and taking an equitable view, I deem it fit and proper to quash the order dated 24.10.2019 passed by the learned District Magistrate, Gaya in Supply Appeal No. 50 of 2017 with a direction that the petitioner would appear on 17.03.2020 at 3:30 p.m. before the learned District Magistrate, Gaya and advance his arguments, whereupon the learned District Magistrate, Gaya shall consider the same and pass appropriate/reasoned order in accordance with law on the merits of the case within a period of 60 days, thereafter.

It is needless to state that in case the petitioner does not appear before the District Magistrate, Gaya, as aforesaid, the learned District Magistrate, Gaya would be free to pass *ex parte* orders on merits of the case.



The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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