

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6105 of 2019**

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Umesh Kumar Dikshit, Son of Late Surendra Nath Dikshit @ Surendra  
Dikshit, Resident of Village - Bala, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Consumer and Food Protection Department Government of Bihar, Patna.
2. The District Magistrate Saran at Chapra, District - Saran at Chapra.
3. The Senior Deputy Collector District Legal Cell, Saran at Chapra, District- Saran at Chapra.
4. The Sub- Divisional Officer Sonapur, District- Saran at Chapra.
5. The Block Development Officer Dariyapur, District- Saran at Chapra.
6. The Block Supply Officer Dariyapur, District- Saran at Chapra.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Ms.Anita Kumari

For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**ORAL ORDER**

2      06-01-2020                      Heard the learned counsel for the petitioner and  
  
the State.

The petitioner is the son of a licensee under the  
  
Public Distribution System. His name has been  
  
recommended for grant of license to run the PDS shop.



The aforesaid recommendation has been made way back in the year 2017 but till date, it has not been acted upon. The petitioner apprehends that taking resort to an order whereby the appeal against the order of cancellation of license of his father has been rejected, the recommendation in favour of the petitioner may not be acted upon.

This Court in writ jurisdiction would not like to go into the aforesaid issue as it is only an apprehension of the petitioner.

However, once the issue has been noticed by this Court, it is necessary to record certain facts.

It appears that the license of the father of the petitioner was cancelled for some breach of the conditions of the license. Against the aforesaid order, an appeal was preferred before the statutory authority in the year 2012, which was not heard within a reasonable period of time. The licensee (the father of the petitioner), therefore, approached this Court for setting



aside the order of cancellation or in alternative, directing the appellate authority to decide the appeal.

A Bench of this Court *vide* order dated 25.06.2013 found that the impugned order did not at all deal with the contentions raised on behalf of licensee but since an appeal was pending, refrained from passing any order but only directed the appellate authority to dispose off the appeal within a period of three months, failing which, the order of cancellation shall be set aside.

Because of the aforesaid direction and the appeal not having been disposed off within the stipulated period, the license of the father of the petitioner was restored. It appears that without any reason, the appeal which stood abated was taken up for hearing and the grounds raised by the licensee / late father of the petitioner has been rejected.

The order of this Court clearly indicated that if the appeal is not decided within a period of three months from the date of passing of such order, the order



of cancellation shall be set aside. The order of this Court did not suspend or put in abeyance the order of cancellation of license in the event of appeal not been disposed off. The net impact of the order, therefore, was that if the appeal was not disposed off within the stipulated period, the cancellation order would stand revoked and the license restored to the licensee.

In that event, there was no occasion for such an appeal, which was kept pending for such a long time, to be revived and decided adversely against the late father of the petitioner.

It is also important to be noted that when the appeal was not disposed off within the stipulated period, the license was restored.

Be that as it may, the aforesaid issue is not the lis before this Court.

The writ petitioner has approached this Court only for a direction to the respondent authorities to give effect to the recommendation given in his favour.



Under the aforesaid facts and circumstances,  
this Court directs that a decision in that regard viz grant  
of license or rejection of the claim of the petitioner on  
compassionate ground be taken at the earliest,  
preferably within a period of six weeks from the date of  
production/receipt of a copy of this order.

With the aforesaid observation / direction, this  
petition stands disposed off.

**(Ashutosh Kumar, J)**

skm/-

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