

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6082 of 2020

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Keshaw Prasad Verma son of Satyanarayan Prasad resident of ward no. 07
Bibi Bankatwa P.S. Mainatanr West Champaran Bankatwa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Bagaha, West Champaran.
3. The Sub Divisional Officer, Bagaha, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kr. Mishra, Adv. Mr. Piyush Saurav, Adv.
For the Respondent/s	:	Mr. Manish Kumar, GP-4 Mr. Ravi Verma, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-05-2020 Heard learned counsel for the parties.

2. Outbreak of Covid-19 pandemic has significantly impacted functioning of the Courts in the country including this Court. So that the citizens are not left completely remedyless, in case of extreme urgency, this Court has permitted filing of applications, electronically, though the statutory High Court Rules do not permit such filing. Whereas, taking advantage of the decision of the Court to permit filing of applications/petitions through e-mail, in exceptional urgent matters some unscrupulous litigants have attempted to abuse and misuse this privilege so allowed by this Court. Present writ application is an



example.

3. The petitioner has put to challenge the order dated 11.02.2020, passed by the Sub-Divisional Officer, Bagaha, West Champaran whereby petitioner's licence No. 87/2007 to run the PDS shop has been cancelled. The impugned order has been brought on record by way of Annexure-4 to the writ application.

4. The impugned order appears to be reasoned one after giving the petitioner an opportunity to show cause. The grounds taken by the petitioner against the proposed action of cancellation has been duly discussed by respondent no. 3 in the impugned order.

5. The present writ application has been filed on the ground of urgency amid lockdown declared because of Covid-19 pandemic.

6. It is mentioned in the impugned order itself passed on 11.02.2020 that the petitioner has a right to appeal before the District Magistrate within 30 days of passing of the impugned order. The petitioner did not prefer appeal against the said order dated 11.02.2020 within the period mentioned in the impugned order itself. Filing of the present writ application in the present situation on the ground of urgency, in my considered opinion, lacks *bonafide* for the reason that the petitioner failed to file his



appeal within the period prescribed, as specifically mentioned in the impugned order itself.

7. Learned counsel for the petitioner has submitted that since the inquiry report, which is the basis for passing of the impugned order, was not supplied to him, there is violation of principles of natural justice. In such circumstance, the petitioner was not required to prefer an appeal.

8. The submission made on behalf of the petitioner that impugned order is in violation of principles of natural justice because the report, which is the basis for issuance of the impugned order, was not supplied to him, is not acceptable to this Court in the facts and circumstances of the present case, in the absence of any such plea taken in the writ application, particularly, the plea as to how non-supply of such report has prejudiced the petitioner's case. On perusal of the impugned order, on the other hand, I find that there is threadbare discussion on the petitioner's explanation. It was incumbent upon the petitioner to have pleaded and proved prejudice, if any, caused because of non-supply of any material in the proceeding leading to passing of the impugned order.

9. This application filed through e-mail without availing the available remedy is completely frivolous and is



accordingly dismissed with a cost of Rs. 5,000/- to be paid by
the petitioner.

(Chakradhari Sharan Singh, J)

Rajesh/-

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