

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.269 of 2020

In
Civil Writ Jurisdiction Case No.5696 of 2020

=====

Chandeshwar Prasad Yadav, S/o-Shri Gokhul Prasad Yadav, Resident of Ward No.6,Parsa Dumariya, P.S.-Manjhaulia, District-West Champaran, Bettiah.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The Collector, West Champaran, Bettiah.
4. The Sub Divisional Officer-Cum-Licensing Authority, Bettiah Sadar, West Champaran, Bettiah.
5. The Asst. District Supply Officer-Cum-Block Supply Officer, Manjhaulia, West Champaran, Bettiah.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Ritesh Kumar, Advocate
For the Respondent/s : Mr.Anjani Kumar, AAG-4

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-11-2020 We notice that the learned Single Judge has directed the appellant/writ-petitioner to exhaust the alternative remedies in accordance with law.

We see no reason to interfere with the impugned order dated 20.08.2020 passed by a learned Single Judge of this Court in CWJC No. 5696 of 2020, titled as Chandeshwar Prasad Yadav Vs. The State of Bihar & Ors., more so when we do not find any illegality therein. No rights of the parties stand



adjudicated.

Whether cancellation of the appellant's P.D.S. Licence No. 77/2016 was in accordance with law or not, in the attending circumstance is a question of fact, which, to our mind, must be first adjudicated by a statutory fact finding authority.

Learned counsel expresses his apprehension of the authority not doing so expeditiously.

Well, even this apprehension is not well founded.

Shri Anjani Kumar, learned Additional Advocate General No. IV states that if the appellant were to file a fresh petition/appeal before the Appellate Authority or takes steps for reviving the already pending appeal, the Appellate Authority shall positively take up the matter and decide the same within a period of eight weeks.

Statement accepted and taken on record.

We clarify that the period of eight weeks shall commence from the date on which the present appellant in writing approaches the Appellate Authority. Also, we have not expressed any opinion on merits and it shall be open for the authority to consider and decide the appeal on its own merit.

At this stage, learned counsel for the appellant states that proceedings being C.R.M. No. 232 of 2018-19, titled as



Chandeshwar Prasad Yadav vs. The State of Bihar, is already pending before the Appellate Authority.

If that were so, we direct the appellant to appear before the authority within a period of two weeks from today and the period of eight months shall commence from the date of such appearance.

All issues on merit are left open.

The appeal stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

U			
---	--	--	--

