

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23221 of 2019

Basudev Yadav @ Basudev Rai son of Kishun Yadav Semara, P.O. Badgo,
P.S. Ram Nagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Muzaffarpur.
2. The Divisional Commissioner, Muzaffarpur.
3. The District Magistrate, West Champaran.
4. The Sub Divisional Officer, Bagha, West Champaran.
5. The District Block Supply Officer, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the Respondent/s : Mr. Arvind Ujjawal (Sc4)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-02-2020 The license of the petitioner was cancelled by the Sub-Divisional Officer, Bagaha, West Champaran by order dated 19.02.2015. Against the aforesaid order, the petitioner had preferred an appeal vide Appeal No. 36 of 2014-15 but the aforesaid appeal was dismissed for non-prosecution.

It appears from the order passed in appeal that on several dates (23 times), the matter was taken up for



hearing but because of the non-availability of the petitioner or his agent, the case had to be adjourned. There was no other alternative before the Appellate Authority but to have dismissed the appeal.

However, learned counsel for the petitioner has submitted that there were certain compelling reasons for the petitioner not to appear in an appeal which was filed by him against an order which visited him with serious consequences. The petitioner was not aware of the dates before the Appellate Authority and therefore his absence on such dates.

Taking a holistic view of the matter and without finding any fault with the order passed in appeal, viz dismissing the appeal on grounds of non-prosecution, this Court provides that in case a fresh appeal is filed within a period of two weeks positively, annexing a copy of this order, the Appellate Authority shall look into the facts and pass a reasoned order in accordance with law within a further period of six weeks thereafter.



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

(Ashutosh Kumar, J)

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