

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5369 of 2021

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Ghanshyam Paswan S/o Sri Mahendra Paswan R/o Village Arwa, P.S.
Bachhawara, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Begusarai, District Begusarai.
3. The Sub- Divisional Officer, Teghra, District Begusarai.
4. The Block Supply Officer

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- a. For issuance of a writ of certiorari quashing the order dated 26.03.2019 passed by the Collector, Begusarai in Case No. P.D.S. Appeal No. 27 of 2016 whereby the Collector, Begusarai has rejected the appeal preferred by the petitioner against the order dated



02.08.2016 passed by the Sub-Divisional Officer, Teghra and affirmed the same contained in Annexure-1.

- b. For issuance of a writ of certiorari quashing the order dated 02.08.2016 whereby the Sub-Divisional Officer, Teghra being licensing authority has cancelled the license of PDS Shop of the petitioner.
- c. For issuance of a writ of mandamus directing the respondents to allow the petitioner to continue running the PDS shop so that beneficiaries may not have to suffer.
- d. For passing any other order/ orders that may be found fit in the facts and circumstances of this case.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer a revision against the impugned order before the Revisional Authority.

Permission granted.

Learned counsel for the respondents states that if such a revision is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed



to come in the way of adjudication of the revision on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer a revision within a period of four weeks from today;

(b) In the event of revision being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the revision on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Revisional Authority shall decide the revision on merits, in compliance of the principles of natural justice;

(f) The Revisional Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the revision, copy whereof be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;



(h) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(i) We have not expressed any opinion on merits and all issues are left open;

(j) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

