

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5690 of 2021

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Mithilesh Prasad Yadav, Son of Ram Niranjana Rai, resident of Village Sirwara, P.S. Benipatti, Block Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Ministry of Food and Civil Supplies, Government of Patna.
2. The District Magistrate, Madhubani, District - Madhubani.
3. The Sub Divisional Officer, Madhubani, District - Madhubani.
4. The Assistant District Supply Officer, Madhubani, District - Madhubani.
5. The Block Supply Officer, Benipatti, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, 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 : 22-12-2021

Heard learned counsel for the parties.

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

“1. Quashing the order dated 18.9.2019 passed by the Sub Divisional officer cancelling the PDS license of the petitioner bearing license no. 104/2016 grounded under Bihar Targeted Public Distribution System (Control) Order, 2016.

B. The writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s for:-

- i. To restore the license and supply of materials to the PDS shop of the petitioner forthwith.



ii. In alternative to direct the District Magistrate to dispose of appeal bearing Appeal No. of 2020 filed on 06.02.2020 before the District Magistrate, Madhubani be dispose of forthwith.

C. To any other relief/s which the Petitioner is found entitled to.

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 an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal 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 appeal 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 an appeal, if not already filed within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not



come in the way of adjudication of the appeal 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 Appellate Authority shall decide the appeal, already filed or sought to be filed, on merits in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

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

(i) 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;

(j) We have not expressed any opinion on merits and



all issues are left open;

(k) 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	24.12.2021
Transmission Date	

