

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6613 of 2020

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Suryabhushan Son of Shyam Sundar Sah, Resident of Village- Mahesarho,
Police Station- Mahishi, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food, Supply and Consumer Protection Department, Patna.
2. The Director, Food , Supply and Consumer Protection Department, Government of Bihar, Patna.
3. The Collector, Saharsa.
4. The District Supply Officer, Sadar, Saharsa.
5. The Sub Divisional Officer, Sadar, Saharsa.
6. The Assistant District Supply Officer, Sadar, Saharsa.
7. The Block Supply Officer, Mahishi, District-Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2021

Heard learned counsel for the parties.

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

- (1) For issuance of writ in the nature of certiorari for quashing of order dated 6.12.2019 passed by Collector, Saharsa in Supply Appeal Case No. 6 of 2016 whereby appeal filed by the petitioner has been dismissed and the order dated 11.12.2015 passed by Sub Divisional Officer, Sadar, Saharsa has been confirmed.



(ii) For issuance of writ in the nature of mandamus direction to Respondents to restore the petitioner's licence No. 32 of 2011 of P.D.S. Shop.

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, if required and desired.



The instant petition sands 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	26.11.2021
Transmission Date	

