

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10772 of 2021**

Jagarnath Sah @ Jagan Nath Sah S/o Late Saryug Sah Resident of Basbariya Tola, P.S. - Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Sub Divisional Officer Sadar, Sitamarhi.

... Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate  
For the Respondent/s : Mr. Upendra Pratap Singh,  
AC to Standing Counsel-4

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      08-10-2021              The present petition has been filed for quashing the order dated 22.08.2019, passed by the learned Collector, Sitamarhi in PDS Appeal Case No. 45 of 2018, pertaining to PDS license of the petitioner bearing License No. 30 of 2007, whereby and whereunder the appeal of the petitioner has been dismissed on account of non-appearance of the petitioner/his counsel.

The learned counsel for the petitioner submits that on account of certain constraints the petitioner could not appear before the learned Collector, Sitamarhi, hence the learned Collector, Sitamarhi be directed to consider and dispose off the appeal of the petitioner on merits.

The learned counsel for the respondent-State Shri Upendra Pratap Singh, AC to Standing Counsel-4 has got no objection.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the principles of equity as also



in the interest of justice, this Court deems it fit and proper to quash the order dated 22.08.2019 passed by the learned Collector, Sitamarhi, which has not been passed on merits of the case and instead by the said order dated 22.08.2019, the appeal of the petitioner has been dismissed on account of non-appearance of the petitioner/his counsel. However, the matter is remanded back to the learned Collector, Sitamarhi to pass appropriate orders, in accordance with law on merits of the case. This Court further deems it fit and proper to fix a date for appearance of the petitioner before the learned Collector, Sitamarhi so that he can advance his arguments, if he so desires. Accordingly, the petitioner is directed to appear before the learned Court of Collector, Sitamarhi to press his aforesaid appeal on 1<sup>st</sup> of November, 2021 at 10:30 am.

It is needless to state that in case the petitioner/his representative fail to appear before the learned Collector, Sitamarhi on the aforesaid stipulated date and time, the learned Collector, Sitamarhi would be at liberty to pass appropriate orders on merits of the case, in accordance with law.

The writ petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

S.Sb/-

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