

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8571 of 2020

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Baliram Paswan (Male) aged about 54 years, Son of Munshi Paswan,
Resident of Village-Moratal, Village Panchayat-Moratal, Police Station-Bodh
Gaya, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Bodh Gaya, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the State : Mr. Alok Kumar, AC to AAG 5

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Binay Kumar, learned counsel for the petitioner and Mr. Alok Ranjan, learned AC to AAG 5, for the State.

3. The petitioner has moved the Court for the following relief:

“That this is an application for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 19.10.2019 contained in memo No. 972 by which the Ld. Sub Divisional Officer, Sadar Gaya has capaciously been cancelled the License No. 01/17 of the petitioner carrying on business under the Public Distribution System as a P.D.S dealer and



for direction upon the respondent No. 3 to continue allocation to the Public Distribution System Shop of the petitioner after declaring the cancelation order null and void and/or pass such other order(s) as your Lordships may deem fit and proper under the facts and circumstances of the case.”

4. At the outset, learned counsel for the State submitted that the petitioner, besides not invoking the statutory remedy of appeal before the District Magistrate, Gaya, has filed the present application after much delay. It was submitted that the order impugned is dated 19.10.2019, whereas the petitioner has moved the Court in October, 2020.

5. Learned counsel for the petitioner submitted that due to pandemic, there was delay.

6. Having considered the matter, the Court finds that the pandemic started after five months of passing of the impugned order and even the statutory remedy of appeal before the Collector is within 30 days, but still the petitioner has filed the writ petition after one year of the order being passed. Thus, the Court finds that the writ petition suffers from gross delay and laches as has rightly been submitted by learned counsel for the State. The petitioner was required to be vigilant and if he has chosen to be slack and casual, the Court would not entertain such writ petition.



7. For reasons aforesaid, the writ petition stands dismissed on the ground of delay and laches.

8. However, it shall be open to the petitioner to move before the appropriate forum, if available, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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