

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10358 of 2020

Nurul Hasan, Son of Ied Mohammad, resident of Village - Suraniya, Police Station- Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Commissioner, Saran Division at Chapra.
3. The District Magistrate-cum-Collector, Gopalganj.
4. The Sub-Divisional Officer, Hathwa, Gopalganj.
5. The Block Supply Officer, Hathwa, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh

For the Respondent/s : Mr.U.P.Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 18-11-2021 Heard learned counsel for the petitioner and the learned counsel representing the State of Bihar.

2. The petitioner was granted license for a fair price shop under Bihar Trade Articles (Licenses Unification) Order, 1984. Subsequently, by an order dated 19.07.2014, the said license was cancelled by the Licensing Authority after giving the petitioner an opportunity to reply in connection with certain irregularities complained against him. It appears that the petitioner had preferred an appeal against the said order of the



Licensing Authority before the Collector, Gopalganj, giving rise to Supply Appeal No. 18 of 2015 on 11.06.2015. The said appeal came to be dismissed by an order dated 11.08.2015, mainly on the ground of delay. The said order dated 11.08.2015 has been brought on record by way of Annexure-4 to the writ application from which it appears that the petitioner had taken a plea before the appellate authority that he could not prefer appeal within the stipulated time because of the departmental assurances given to him. The appellate authority noticed that there was no material placed nor any plea taken in support of said explanation for condonation of delay. Accordingly, considering the explanation for condonation of delay to be imaginary, the appellate authority dismissed the appeal. The petitioner's revision application against the order of the appellate authority has also been dismissed by the Commissioner, Saran Division, Chapra by an order dated 30.12.2019 passed in Supply Revision No. 249 of 2015.

3. The petitioner is assailing the aforesaid three orders in the present writ application.

4. Learned counsel appearing on behalf of the petitioner has argued that apart from the departmental assurances, the petitioner had also taken plea of illness for



condonation of delay, which was not considered by the appellate authority. He has submitted that the order of the appellate authority and that of the revisional authority require interference and his appeal deserves to be considered on merits.

5. Learned State Counsel, on the other hand, has submitted that there is no illegality in the order of the appellate authority, since the appellate authority rightly did not find the explanation tendered by the petitioner for condonation of delay, satisfactory.

6. We have carefully perused the order of the appellate authority as well as the revisional authority. From the order of the appellate authority, it is apparent that the only plea, which the petitioner had taken was of departmental assurance given to him. The appellate authority noticed that there was no material in support of the said plea. From the order passed by the revisional authority, it appears that during the course of hearing, learned counsel appearing on behalf of the petitioner did not make any oral submission, rather he assured the revisional authority of depositing detailed written arguments. It further appears that no written arguments was submitted as assured on behalf of the petitioner before the revisional authority.



7. In our opinion, the findings recorded by the revisional authority and that of the appellate authority have not been disputed in the pleadings of the writ application.

8. In the aforesaid circumstance, we do not find any legal infirmity in the impugned orders passed by the appellate authority and the revisional authority.

9. Accordingly, we do not find any merit in this writ application, which stands dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

arun/-

U			
---	--	--	--

