

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1523 of 2021

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Devnarayan Das, P.D.S. Dealer, S/o Dukhi Das, R/o Village-Bahuwarwa,
Ward No. 13, P.S.-Majhauriya, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Consumer Protection Deppt.
Govt. of Bihar, Patna.
2. The District Magistrate, District-West Champaran at Bettiah.
3. The District Supply Officer, District-West Champaran at Bettiah.
4. The Sub Divisional Officer, Bettiah Sadar, District-West Champaran at
Bettiah.
5. The Block Supply Officer, Block-Majhauriya, District-West Champaran,
Bettiah.
6. The Supply Inspector, Block-Majhauriya, District-West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Aravind Ujjwal, S.C. 4

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

Date : 06-12-2021

Heard learned counsel for the parties.

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

“(i) For issuance of a writ in the nature of
Certiorari, or any other appropriate writ, order or
direction for quashing/setting aside the order dated
08.02.2020, passed by the Sub Divisional Officer,
Bettiah, Sadar, West Champaran, Bettiah, contained
in Memo No. 04/आ० dated 08.02.2020 whereby and
whereunder the petitioner's PDS shop license



bearing No. 78/2016 was cancelled, without service of any notice/show cause to the petitioner and without giving any opportunity to the petitioner.

(ii) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order, direction to the respondent authorities to restore the PDS, license of the petitioner vide License No. 78/2016, which has been cancelled quite illegally by the Sub Divisional Officer, Bettiah, Sadar, West Champaran.

(iii) For issuance of any other appropriate writ, order/orders, direction/directions for which the petitioner shall be found entitled under the facts and circumstances of the case.”

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 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 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, 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, 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)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2021
Transmission Date	

