

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6712 of 2021

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Shailendra Kumar Son of Shivcharan Ram Resident of Village- Amarpura,
P.S. and Block- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Supply, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Danapur, District- Patna.
4. The District Supply Officer, District- Patna.
5. The Supply Inspector, Naubatpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan, Advocate
For the Respondent/s : Mr. Upendra Prasad Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 25-01-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner has put to challenge an order dated 12.12.2020, passed by the District Magistrate, Patna in E.C. Appeal Case No. 20/2019-20, whereby the petitioner's appeal against cancellation of his licence to run Fair Price Shop has been rejected.

The petitioner's P.D.S. licence was cancelled by the



Licensing Authority on 30.11.2011. The petitioner approached this Court nearly eight years thereafter by filing writ petition giving rise to CWJC No. 14370 of 2019, which was withdrawn and accordingly disposed of by an order dated 02.09.2019 with a liberty to seek alternative remedy. The petitioner, accordingly preferred appeal before the Appellate Authority, which has been dismissed by the impugned order dated 12.12.2020 on the ground of limitation.

Learned counsel appearing on behalf of the petitioner has submitted that since he had approached this Court by filing writ petition in 2019, which was disposed of on 02.09.2019 with a liberty to the petitioner to seek alternative remedy, the Appellate Authority ought not to have rejected the petitioner's appeal on ground of limitation and ought to have decided the same on merits. He has further submitted that since the petitioner's appeal was admitted by the Appellate Authority, it could not have rejected the appeal subsequently on the ground of delay.

On perusal of the impugned order and the facts noted above, we do not find any legal infirmity in the impugned order. The petitioner has completely failed to justify the delay of eight years in preferring appeal against the order of cancellation of his



P.D.S. licence.

Liberty granted by this Court to the petitioner to seek alternative remedy *per se* cannot have the effect of condonation of delay in seeking such remedy, in the absence of any clear observation made in this regard in this Court's order.

This application, in our view, has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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