

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7100 of 2021

=====

Bodh Narayan Das S/o Parmeshwar Harijan R/o village-Dadpur, Police
Station-Kharik, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Govt.of Bihar, Patna
2. The Secretary, Food and Consumer Protection Department, Government of
Bihar, Patna
3. The Districtf Magistrate, Bhagalpur
4. The District Supply Officer Bhagalpur
5. The Sub-Divisional Officer-cum-Licensing Authority, Naugachhiya,
Bhagalpur
6. The Block Supply Officer Block-Kharik, Naugachhiya, Bhagalpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s	:	Mr. Satya Prakash, Advocate
		Mr. Sharda Nand Mishra, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

=====

**(The proceedings of the Court are being conducted by
Hon'ble the Chief Justice/ Hon'ble Judges through
Video Conferencing from their residential
offices/residences. Also, the Advocates and the Staffs
joined the proceedings through Video Conferencing
from their residences/offices.)**

=====

Date : 21-01-2022

Heard learned counsel for the parties.

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



- i) The petitioner prays for issuance of writ of certiorari seeking quashing of the order of Sub-Divisional Magistrate, Naugachhiya, contained in memo no. 368 dated 04.04.2020, whereby the PDS license of petitioner bearing no. 15/ 94-112/ 2016 has been suspended with immediate effect and direction has been issued to the Block Supply Officer, Kharik to submit report after making physical verification of the present stock/food grains of the petitioner.
- ii) The petitioner further prays for issuance of writ of mandamus for direction to the respondent authorities to restore the PDS license of petitioner bearing no. 15/ 94-112/ 2016 after revoking its suspension.
- iii) The petitioner further prays for issuance of any other writ, order or direction which your Lordships may deem fit and proper in 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;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take



recourse to such other remedies as are otherwise available in
accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and
all issues are left open;

(k) 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	22.01.2022
Transmission Date	

