

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8788 of 2021**

Haider Ali, son of Nabab Ali, Resident of Village-Malahitola, Koir Patti,  
Motipur, P.S.-Thakraha, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Food Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Food Secretary, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate, West Champaran.
4. The Licensing Authority-cum-Sub-Divisional Officer, Bagaha, West Champaran.
5. The Block Supply Officer, Thakraha, West Champaran.

... .. Respondent/s

**Appearance :**

|                      |   |                                                        |
|----------------------|---|--------------------------------------------------------|
| For the Petitioner/s | : | Mr.Om Prakash Singh                                    |
| For the Respondent/s | : | Mr.Lalit Kishore ( Ag )                                |
| For the State        | : | Mr. Arvind Ujjwal, SC-4,<br>Mr. U.P. Singh, AC to SC-4 |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE SANJEEV PRAKASH**  
**SHARMA**

ORAL ORDER

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      03-01-2022

Heard learned counsel for the parties.

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

- “(i) Issuance of writ in the nature of Certiorari for quashing of the Order dt. 13.02.2021 passed by Sub Divisional Officer, Bagaha (Respondent No - 4) (Annexure - 6) whereby and whereunder in a mechanical manner the P.D.S. License has been cancelled without even supplying the copy of Complaint as well as Enquiry Report and also without assigning any reason for rejection of Show Cause Reply which is clear violation of Principle of Natural Justice.
- (ii) Issuance of writ or writs in the nature of Mandamus directing the Respondents to restore the Public Distribution

System (P.D.S.) License bearing No. 01/1995 which has been cancelled for none of his fault.

(iii) And further to stay the further operation of impugned Order dt. 13.02.2021 (Annexure - 6) till the final adjudication of the case.

(iv) Grant any other relief or reliefs to which the petitioner may found entitled too in the facts and circumstances of this 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 six months 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)**

**( Sanjeev Prakash Sharma, J)**

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